

Supplemental Findings Statement – Well Plugging

March 14, 2023

Pursuant to the State Environmental Quality Review Act (SEQR; ECL Article 8 with implementing regulations at 6 NYCRR Part 617), the New York State Department of Environmental Conservation (DEC) makes the following supplemental findings on the 1992 Final Generic Environmental Impact Statement (1992 FGEIS) on the Oil, Gas and Solution Mining Regulatory Program.

Name of Action

Adoption of supplemental findings on issuance of well plugging permits for wells regulated under the Oil, Gas and Solution Mining Law (ECL Article 23) and issuance of contracts related to these well plugging permits.

Description and Background

DEC released the Final Generic Environmental Impact Statement (FGEIS) on the Oil, Gas and Solution Mining Regulatory Program in July of 1992. The 1992 FGEIS incorporated the 1988 Draft GEIS by reference. The FGEIS comprehensively reviewed the environmental impacts of DEC's program for regulating the siting, drilling, production, and plugging and abandonment of oil, gas, underground gas storage, solution mining, brine disposal, geothermal and stratigraphic test wells. DEC issued a findings statement in September 1992. Together this Findings Statement, and the Draft and Final GEIS will be referred to as the 1992 FGEIS unless a more specific reference is necessary.

Chapter 11 of the 1992 FGEIS analyzed well plugging and abandonment activities. During well plugging, cement plugs are placed at specified locations within the well bore to prevent the flow of oil, gas, or brine from one formation to another. Casing may be recovered from the well during the plugging process or may be cut below plow depth as part of abandonment. During abandonment activities, equipment and debris are removed from the well site, any excavations are filled, and the area adjacent to the well is smoothed to a condition similar to adjacent terrain to ensure that the land is restored to productive use.

In Chapter 11 of the FGEIS, DEC recognized that well plugging that occurred prior to the implementation of DEC's regulatory program was ineffective and did not prevent environmental impacts, especially to groundwater. DEC found that the requirements of the regulatory program have improved protection, especially to surface and groundwater. Additionally, the FGEIS contained recommendations that when applied as appropriate based on site-specific conditions, resulted in well plugging jobs without any negative long term environmental impacts, and ultimately in properly plugged wells with beneficial long-term impacts. However, in Chapter 11, DEC recognized that temporary, non-significant environmental impacts could result from the plugging and abandonment process and identified these primarily as vegetation and ground disturbance during equipment mobilization and abandonment operations, as well as the possibility for short-term, minor surface and groundwater turbidity and siltation.

In the September 1992 Findings Statement, DEC characterized these activities as SEQR Type II actions (6 NYCRR 617.5(c)(26), formerly in 1992, 6 NYCRR 617.13(c)(15) (1986 regulations) "routine and continuing agency administration and management..."). Under this supplemental findings statement, well plugging and abandonment permits will be assessed according to the SEQR Review Procedures below.

An estimated 75,000 wells have been drilled in New York and all of them must be properly plugged and abandoned when no longer active in order to protect ground and surface waters and to prevent excess methane emissions.

SEQR Determination of Significance

DEC has determined that routine well plugging, and abandonment activities regulated under ECL Article 23 would not have a significant adverse environmental impact when undertaken in a manner that is consistent with the well plugging recommendations in the FGEIS. This determination is supported by the facts contained in the 1992 FGEIS. Proper plugging procedures, however, must be followed to effectively prevent the migration of oil, gas, brine, and other detrimental substances into freshwater zones. The proper plugging and abandonment of a well is an operation that is critical for the protection of underground and surface waters and ultimately can be expected to reduce or prevent any contamination of groundwater from unplugged wells.

SEQR Review Procedures

Because the 1992 FGEIS found that well plugging activities, if undertaken in accordance with the 1992 FGEIS, may only have temporary, minor environmental impacts, it is appropriate to process plugging applications in a manner similar to applications for other well actions, namely by evaluating the consistency of individual well plugging applications with the 1992 FGEIS. DEC staff will follow the process described below, which is similar to that described in the Findings Statement for the 1992 FGEIS for other activities subject to the ECL Article 23.

1. Applicants filing a Notice of Intention to Plug and Abandon wells will address environmental assessment questions that have been added to the Notice of Intention form. DEC considers the required information to be an essential part of the Notice of Intention as it provides site-specific information necessary to evaluate the need for individual, site-specific permit conditions.
2. The 1992 FGEIS satisfies SEQR for the issuance of a Permit to Plug and Abandon an ECL Article 23 regulated well, so long as the project conforms to the descriptions in the 1992 FGEIS and does not meet one or more of the criteria listed in item 3 below. For such conforming projects, DEC staff will not make a further determination of significance under SEQR.
3. In addition to the environmental assessment questions included in the Notice of Intention to Plug and Abandon, DEC will require additional environmental review under each of the following circumstances:
 - a. The following Type I actions require a detailed site-specific environmental assessment using a Full EAF:
 - i. permits to plug and abandon located or partially located in agricultural districts if more than two and one-half acres will be altered by construction of the well pad and access road; and
 - ii. permits to plug and abandon in State parklands.
 - b. A detailed site-specific environmental assessment using a Short EAF is required for any other plugging project not conforming to the standards, criteria or thresholds required by the FGEIS, unless such project also triggers any Type I threshold, in which case a Full EAF is required.
 - c. A detailed site-specific environmental assessment using a [NYS Coastal Assessment Form](#) is required for permits to plug and abandon wells located in coastal areas as defined by the NYS Department of State in 19 NYCRR 600.2(h) or areas with approved Local Waterfront Revitalization Programs.

Government Approvals, Funding, or Sponsorship

DEC oversees state-contracted orphaned and abandoned well plugging projects funded from various sources, including allocations from state and federal programs, the Oil and Gas

Account, and seized financial security. DEC has obtained substantial Federal funding as part of the Infrastructure Investment and Jobs Act (IIJA; Public Law 117-58, November 15, 2021) to plug orphaned and abandoned wells, as well as through New York Works Infrastructure funds allocated by the state.

State-contracted well plugging projects are administered by DEC and the plugging and abandonment operations are conducted by registered well plugging contractors that have been awarded projects through an open bidding process. DEC oversees all aspects of the plugging and abandonment process from project development and contract generation to oversight of plugging operations and site reclamation. These activities are largely considered consistent with the supplemental findings above. They include the following:

1. the siting, drilling, production and plugging and abandonment of oil, gas, underground gas storage, solution mining, brine disposal, geothermal and stratigraphic test wells (Page 1, Findings Statement dated September 1, 1992); and
2. the plugging and abandonment of oil and gas wells is critical to environmental protection and no negative long term environmental impacts result when proper plugging and abandonment procedures are followed. (Page 11-26 1992 FEIS).

DEC conducts field inspections to ensure well plugging operations adhere to the requirements in each Permit to Plug and Abandon and in accordance with ECL Article 23, 6 NYCRR Parts 550-559, and the 1992 FGEIS. As a result, the award of federal and state funds for orphaned and abandoned well plugging will not have a potentially significant effect on the environment because permits issued for well plugging operations will be evaluated for consistency with the 1992 FGEIS, and well plugging and abandonment operations performed under these contracts will be conducted in accordance with the 1992 FGEIS.

CERTIFICATION OF SUPPLEMENTAL FINDINGS ON THE FINAL GENERIC ENVIRONMENTAL IMPACTS STATEMENT ON THE OIL, GAS AND SOLUTION MINING REGULATORY PROGRAM

Having considered the 1992 FGEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, DEC certifies that:

1. The requirements 6 NYCRR Part 617 have been met.
2. Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the FGEIS.
3. Consistent with the social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the FGEIS will be minimized or avoided by incorporation as conditions to the decision those mitigative measure (set out in the FGEIS) which were identified as practicable.

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Date