

## Maintain a Safe Facility

An aspect of maintaining a safe facility is a review of facility operating information to ensure safe performance. EPA takes safety seriously and evaluates facility safety practices during inspections. The facility should have established procedures in place, such as:

- Standard Operating Procedures
- Training Records
- Management of Change Documentation
- Incident Investigation Program
- Self Audits
- Prevention Maintenance Program

To learn more about what GDC inspectors are looking for, refer to the [Guidance for Implementing the General Duty Clause](#) at <http://www.epa.gov/ceppo>

**For more information on the General Duty Clause, Chemical Safety Alerts, or the Risk Management Program, call the CAA Section 112(r) Hotline Monday-Friday, 9 a.m. - 6 p.m. EST (800) 424-9346 or (703) 412-9810 or visit the website at <http://www.epa.gov/ceppo>**

The General Duty Clause (GDC) is a requirement of Section 112(r) of the Clean Air Act and has been in effect and enforceable since 1990. The Risk Management Program (RMP), a requirement of 40 CFR Part 68, has been in effect and enforceable since 1999.

Since 1991, EPA-regulated facilities must determine if the requirements of the GDC clause and/or the RMP are applicable to their particular site or facility.

**Remember...Safety First!**

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## CLEAN AIR ACT (CAA)

### Section 112 (r)(1)

## General Duty Clause Guide for Marcellus Shale Gas Drilling Facilities



**EPA REGION 3**

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## What is the General Duty Clause?

Chemical processes involving hazardous substances may pose a risk to workers and the public. The General Duty Clause (GDC) is an important tool in protecting lives and the environment by making sure facilities operate safely.

The first step in minimizing accidents is prevention. The purpose of the GDC is to prevent the accidental release of any extremely hazardous substance (EHS). Most of these substances are listed in 40 CFR part 68 (<http://go.usa.gov/gA6>). However, an EHS could be any agent which may, as the result of short term exposures associated with releases to the air, cause death, injury or property damage due to its toxicity, reactivity, flammability, volatility or corrosivity.

Many of these chemicals may be used in Marcellus Shale drilling operations, including constituents in fracturing fluids.

Owners and operators of stationary sources, wells, or compressor stations producing, handling, or storing any EHS must:

- maintain a safe facility;
- use appropriate hazard assessment techniques; and
- minimize the consequences of accidental releases that may harm the surrounding area.

## Meeting Your Duty

GDC is a performance-based regulation and cannot be accomplished through only meeting permit requirements or limitations. It requires you to be continually vigilant about hazards and methods so as to reduce any dangers posed by those hazards. It is a continued obligation rather than a onetime check.

The GDC requires you to identify and comply with the state of practice or industry standard that applies in natural gas extraction. Therefore, you should:

- adopt or follow relevant industry codes, (particularly pertaining to equipment and **EHS**);
- be aware of unique circumstances of your facility which may require a more cautious prevention program; and
- be aware of incidents and accidents specific to the Marcellus Shale industry.

Incidents in the Marcellus Shale can be prevented by implementing process safety management practices which may also ensure compliance with GDC.

## Enforcement

Under the GDC, any owner or operator producing, processing, handling or storing any EHS must adhere, at a minimum, to recognized industry standards and practices. The EPA enforces the GDC through Section 113 of the Clean Air Act. Under the GDC, well sites with hazardous substances are not exempt from the GDC requirements.

**Hydrocarbon and chemical condensate in flowback waters defined as exempt under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) are not exempt under GDC.**

EPA may issue orders to facilities to change its practices to ensure safety measures are in place and to make certain facilities are able to respond if an incident occurs.

### Example of GDC Requirement

**A facility installed a water-based fire suppression system in storage areas that contained water-reactive chemicals. This created a clearly hazardous condition. Under GDC, EPA required the facility to install a fire system compatible with the water reactive chemicals.**