

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1063 Session of
1977

INTRODUCED BY MESSRS. SWEET, B. F. O'BRIEN, TAYLOR, D.M. FISHER,
LEHR, BURNS, GAMBLE, TRELLO, McCALL, DeMEDIO, YAHNER,
GOODMAN, MISCEVICH, ABRAHAM, GATSKI AND LAUGHLIN, MAY 2, 1977

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 1, 1978

AN ACT

1 Amending the act of November 30, 1955 (P.L.756, No.225),
2 entitled, as amended, "An act relating to coal mining, well
3 operations and the underground storage of gas, except in
4 storage reservoirs excavated in rock formations specifically
5 for storage purposes, the safety of personnel and facilities
6 employed therein, and the protection of the people residing
7 in the area and their property rights; prescribing the rights
8 and duties of well operators, before, during, and after the
9 drilling of wells for the production, extraction or storage
10 of any gas, petroleum or other liquid; regulating the
11 underground storage of gas under workable coal seams;
12 prescribing the rights and duties of owners and operators of
13 coal mines in relation to wells and underground storage
14 areas; granting certain corporations a limited right of
15 eminent domain to appropriate interests in real property for
16 surface and sub-surface operations in connection with the
17 underground storage of gas; creating the Oil and Gas Division
18 of the Department of Mines and defining its personnel, powers
19 and duties; providing for hearings and the procedures to be
20 followed therein and imposing duties upon the courts and
21 providing methods for the enforcement of the provisions of
22 this act and imposing penalties," changing definitions,
23 adding definitions, providing for registration fees, permit
24 fees, registration and notice to the department of engaging
25 in certain operations; requiring safety devices, providing
26 for capping, well casing, shutting in, abandoning, deserting
27 and inactivating of wells and reporting of production data,
28 further providing for enforcement, providing civil penalties,
29 creating an Oil and Gas Fund and ~~making an appropriation.~~
30 PROVIDING FOR ANNUAL APPROPRIATIONS.

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31 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Clauses (2), (6), (7), (10), (15), (17), (18) and
3 (24) of section 102 and section 104, act of November 30, 1955
4 (P.L.756, No.225), known as the "Gas Operations Well-Drilling
5 Petroleum and Coal Mining Act," clause (24) added July 31, 1968
6 (P.L.881, No.265), are amended and section 102 is amended by
7 adding clauses to read:

8 Section 102. Definitions.--As used in this act:

9 * * *

10 (2) "Operating coal mine" means (i) a coal mine which is
11 producing coal or has been in production of coal at any time
12 during the twelve months immediately preceding the date its
13 status is put in question under this act and any worked out or
14 abandoned coal mine connected underground with or contiguous to
15 such operating coal mine as herein defined [and] or (ii) any
16 coal mine to be established or reestablished as an operating
17 coal mine in the future pursuant to subsection (c) of section
18 303 of this act.

19 * * *

20 (6) "Well" when used in this act means a bore hole or core
21 hole drilled or being drilled for the purpose of or to be used
22 for locating, preparing, producing, extracting or injecting any
23 gas, mineral, petroleum or other liquid but excluding bore holes
24 drilled to produce potable water to be used as such.

25 (7) "Division" means the [Oil and Gas Division of the
26 Department of Mines] Department of Environmental Resources.

27 * * *

28 (10) "Gas" means any [natural, manufactured or by-product
29 gas or any mixture thereof] fluid, either combustible or
30 noncombustible which is produced in a natural state from the

1 earth and which maintains a gaseous or rarefied state at
2 ordinary temperature and pressure.

3 * * *

4 (15) "Cement" or "cement grout" means hydraulic cement
5 properly mixed with water only or any mixture of hydraulic
6 cement with such other materials adequate for bonding or sealing
7 of well bores as the department shall prescribe.

8 * * *

9 (17) "Oil" means [the same as the word "petroleum."]
10 hydrocarbons regardless of gravity which are produced at the
11 wellhead in liquid form.

12 (18) "Person" means any individual, association, partnership
13 [or] corporation, political subdivision or agency of the State
14 or Federal Government.

15 * * *

16 (24) "Completion of a well" shall mean the date [after
17 treatment, if any, that the well is properly equipped for
18 production of oil or gas; or if the well is dry, the date the
19 well is abandoned] on which drilling ceases on a well, unless
20 the operator informs the department that the drilling will
21 recommence within thirty days and drilling does in fact
22 recommence: PROVIDED, HOWEVER, THAT A TEMPORARY CESSATION IN <—
23 DRILLING FOR A PERIOD NOT TO EXCEED SEVEN CONSECUTIVE DAYS SHALL
24 NOT BE CONSIDERED COMPLETION OF A WELL.

25 (25) "Capping" means the shutting off of the flow of the gas
26 or oil from a well after it has been completed but prior to
27 connection to a pipeline or other product gathering system.

28 (26) "Shutting in" means ceasing production from a well any
29 time after it has been connected to a pipeline or other product
30 gathering system.

1 (27) "Department" means the Department of Environmental
2 Resources.

3 (28) "Drilling" shall include drilling, redrilling or
4 drilling deeper.

5 (29) "ALTERATION" MEANS ANY OPERATION WHICH CHANGES THE <—
6 PHYSICAL CHARACTERISTICS OF THE WELL BORE, INCLUDING STIMULATION
7 OR REMOVING, REPAIRING OR CHANGING THE CASING: PROVIDED,
8 HOWEVER, THAT "ALTERATION" SHALL NOT INCLUDE REPAIRING OF CASING
9 OR REPLACING OF CASING WITH CASING OF THE SAME SIZE AND LENGTH
10 IN NON-COAL AREAS.

11 Section 104. Declaration of Public Policy.--The provisions
12 of this act shall be liberally construed to effect the safety of
13 personnel and facilities employed in the underground storage of
14 gas and the protection of the people residing in the area where
15 such gas is stored and their property rights, and the safety of
16 persons and facilities employed in the mining of coal.

17 Section 2. The act is amended by adding sections to read:

18 Section 105. Registration.--Every well operator shall be
19 required to register with the department within thirty days of
20 becoming engaged in such operation and shall renew said
21 registration annually. Any person operating a well on the
22 effective date of this act, shall be required to register with
23 the department within six months of the effective date of this
24 act. An annual registration fee of fifty dollars (\$50) shall be
25 paid to the department on the initial registration and upon each
26 annual renewal thereof.

27 Section 106. Notification of Transfer.--The well operator of
28 any well shall notify the department, in writing, in such form
29 as the department may direct of the sale, assignment, transfer,
30 conveyance, or exchange by the well operator or to the well

1 operator of such well within thirty days after such sale,
2 assignment, conveyance, or exchange. The notice shall contain
3 the following:

4 (1) The name and address of the person to whom such well was
5 sold, assigned, transferred, conveyed, or exchanged.

6 (2) The identification number and location, by county and
7 township, of the well.

8 (3) The date of the sale, assignment, transfer, conveyance
9 or exchange.

10 (4) The date when possession was relinquished by the owner
11 or operator.

12 (5) And such other information as may be required by the
13 department.

14 Section 3. Subsections (a) and (b) of section 201 of the
15 act, amended July 31, 1968 (P.L.881, No.265), are amended and
16 the section is amended by adding subsections to read:

17 Section 201. Well Operator's Responsibility Before and
18 During Drilling.--(a) Before drilling any well or altering any
19 unpermitted well, the well operator shall submit an application
20 to the department and have a plat prepared by a competent
21 engineer or surveyor (on a form to be furnished by the
22 [division] department) showing the political subdivision and
23 county in which the tract of land upon which the well to be
24 drilled is located, the name of the lessor or landowner, the
25 name of the owner or operator of all known underlying workable
26 coal seams, if any, the acreage in the tract to be drilled, the
27 proposed location of the well determined by survey, the courses
28 and distances of such location from two or more permanent points
29 or landmarks on said tract, the proposed angle and direction of
30 such well, if the well is to be deviated substantially from a

1 vertical course and the number or other identification to be
2 given the well, indicating the workable coal seams, if any,
3 underlying said tract which are to be cased off in accordance
4 with section 204 of this act and shall [forward, by registered
5 mail, copies of the plat to the division] file the plat with the
6 department and the [division] department shall in turn forward,
7 by [registered] certified mail, a copy of said plat to the owner
8 and lessee, if any, of such coal who has filed notice of
9 ownership or tenancy rights in workable coal with the department
10 and every coal operator, operating in any of said seams of coal,
11 who has the right to file objections under section 202 and who
12 has mapped the same and filed his maps with the [Department of
13 Mines] department as required by law. If the well operator
14 submits to the [division] department written approval of the
15 proposed well location by the coal operator, lessee or owner, if
16 any, of the coal underlying the proposed well location and no
17 objections are raised by the [division] department within [ten]
18 fifteen days of filing or if no such approval has been submitted
19 and no objections are made to such proposed well location within
20 [ten] fifteen days from receipt of such notice by the coal
21 operator or owner, if any, or by the [division] department, the
22 same shall be filed and become a permanent record of such
23 location, subject to inspection at any time by any interested
24 person, and the [division] department shall forthwith issue a
25 drilling permit to the well operator and the well operator may
26 proceed with the drilling of the well at the exact location
27 shown on the plat: Provided, however, That in non-coal areas
28 where more than one well is to be drilled as part of the same
29 development project, only the first well of the project need be
30 located by survey. The remaining wells of the project shall be

1 shown on the plat with courses and distances from the first well
2 plainly marked. Prior to drilling each of the additional project
3 wells, the well operator shall notify the [division] department
4 of his intention, and a permit will be issued forthwith.
5 Whenever during the drilling of any well which is not underlain
6 by an operating coal mine, the well operator shall encounter
7 conditions of such a nature as to render continued drilling in
8 the same bore hole more hazardous than usual, or otherwise
9 impossible, then the well operator shall have the right, upon
10 verbal notice to the appropriate oil and gas inspector, to plug
11 immediately such bore hole and to commence a new bore hole not
12 more than twenty feet distant. Within ten days of commencement
13 of such new bore hole, the well operator shall file an amended
14 plat with the division by certified mail.

15 (b) It shall be the duty of the well operator to keep a
16 driller's log of [such well] any well drilled. Such log shall
17 show the character, thickness and depth of the formations passed
18 through or encountered in the drilling of such well and show the
19 depth at which all gas, oil and water were encountered. The log
20 shall show whether the well is productive of gas, oil or water,
21 the volume or quantity thereof and the initial rock pressure of
22 such well which has been taken for a period of not less than
23 forty-eight hours. A copy of this log shall be furnished to the
24 [division] department within thirty days after the completion of
25 the well and it shall be kept on file by the [division]
26 department. Within ninety days after the completion of drilling
27 or recompletion of a well if requested by the department, the
28 operator shall submit a copy of the well log and the electrical,
29 radioactive or other similar conventional log if they have been
30 run. In addition, if requested by the department, as soon as

1 practicable, operators shall file a copy of drill stem test
2 charts, formation water analysis, porosity, permeability or
3 fluid saturation measurements, core analysis and lithologic log
4 or sample description as compiled: Provided, That no such
5 information shall be required unless the operator has compiled
6 such information in the ordinary course of business. No
7 interpretation of the data is to be filed.

8 * * *

9 (d) Within thirty days after the completion of any well,
10 drill cuttings, if requested, shall be submitted to the
11 department. The department shall notify, prior to commencement
12 of drilling, the operator or operators to collect, for the
13 department, drill cuttings representing each run drilled in
14 cable tool wells and each ten feet of distance drilled in rotary
15 wells. The samples must be washed unless the well is drilled
16 with rotary tools using air or gas as a drilling fluid.
17 Containers for such cuttings will be furnished by the
18 department. Cores taken when drilling wells for oil and gas
19 shall be available in their entirety as recovered, to authorized
20 representatives of the department for inspection and sampling,
21 provided such sampling shall not involve the removal of any
22 complete section of such core, except as such removal is
23 authorized by the operator or operators controlling the well.

24 (e) All information furnished under subsection (b) or (d)
25 hereof shall be kept confidential for one year after the date
26 the information is required to be filed hereunder, if the
27 operator requests such confidential treatment at the time the
28 information is submitted to the department. For good cause shown
29 by the operator, the department may extend the period of
30 confidentiality for one year. The total period of

1 confidentiality shall not exceed three years.

2 Section 4. Subsections (a), (c) and (d) of section 202,
3 subsection (d) amended July 31, 1968 (P.L.881, No.265), are
4 amended to read:

5 Section 202. Drilling Permit, Agreed Location of Wells,
6 Docket of Proceedings.--(a) In case any well location referred
7 to in subsection (a) of section 201 is made so that the well
8 when drilled will penetrate anywhere within the outside coal
9 boundaries of any operating coal mine or coal mine already
10 projected and platted but not yet being operated or within one
11 thousand linear feet beyond such boundaries and the well when
12 drilled or the pillar of coal about the well will, in the
13 opinion of the coal owner or operator, unduly interfere with or
14 endanger such mine, then the coal owner or operator affected
15 shall have the right to file objections in accordance with
16 subsection (h) of section 501 to such proposed location within
17 [ten] fifteen days of [the receipt by the coal operator] filing
18 of the plat provided for in subsection (a) of section 201 by the
19 well operator. An alternative location at which the proposed
20 well could be drilled to overcome such objections shall, if
21 possible, be indicated. If no such objections to the proposed
22 location are filed or if none are raised by the [division]
23 department within [ten] fifteen days after [receipt] filing of
24 the plat [by the coal operator or owner], or if written approval <—
25 by the coal operator or owner of the location is filed with the
26 [division] department and no objections are raised by the
27 [division] department within [ten] fifteen days, of filing the
28 [division] department shall forthwith issue to the well operator
29 a drilling permit authorizing the well operator to drill at such
30 location.

1 * * *

2 (c) Within one hundred and twenty days after the
3 commencement of drilling operations, the coal operator shall
4 accurately locate the well by a closed survey on the same datum
5 as the mine workings or coal boundaries are mapped and file the
6 results of the survey with the [division] department and
7 forward, by registered mail, a copy to the well operator. The
8 coal operator shall file with the department such proof of
9 service as it may require.

10 (d) No well shall be drilled except in accordance with a
11 permit issued under this section, nor shall an unpermitted well
12 be altered in any manner without a permit issued under this
13 section.

14 Section 5. The act is amended by adding a section to read:

15 Section 202.1. Permits.--(a) Every application for a gas or
16 oil well permit shall be accompanied by a one hundred dollars
17 (\$100) permit fee. Said fees shall be payable to the Oil and Gas
18 Fund created by this act.

19 (b) If the well operator in an application for a permit is a
20 corporation, partnership or a nonresident of the Commonwealth,
21 then there shall be designated the name and address of an agent
22 for such operator who shall be the attorney in fact for the
23 operator and who shall be a resident of the Commonwealth upon
24 whom notices, orders or other communications issued pursuant to
25 this act or the regulations adopted hereunder may be served, and
26 upon whom process may be served. Every well operator required to
27 designate an agent under this section shall within five days
28 after the termination of such designation notify the department
29 of such termination and designate a new agent.

30 (c) The department shall have the right to deny a permit to

1 any well operator who is in violation of any of the provisions
2 of the act with respect to any other well or wells of which he
3 is the operator. The department's right to deny a permit under
4 this section shall not be effective until a final ADMINISTRATIVE <—
5 determination has been made of any alleged violation.

6 Section 6. Section 204 and section 205 of the act amended
7 July 31, 1968 (P.L.881, No.265), are amended to read:

8 Section 204. Method of Casing Through Coal Seams.--(a) When
9 a well is drilled at a location where the coal has been removed
10 from only one seam, the hole shall be drilled at least thirty
11 feet below the coal seam and of a sufficient size to permit the
12 placing of a steel pipe liner not less than ten inches in
13 diameter and of at least one-quarter inch wall thickness. The
14 liner shall extend from a point not less than twenty-five feet
15 below the coal seam to a point not less than twenty-five feet
16 above it. The bottom end of the liner shall be fastened and
17 sealed to the casing and the casing shall be centrally located
18 within the liner, the casing and liner to be run and cemented
19 when the well is drilled at least thirty feet but not more than
20 fifty feet below the coal seam. The annular space between said
21 casing and liner shall be filled with bentonitic mud, cement or
22 such nonporous material as the [division] department may approve
23 pursuant to an application filed under section 207. The casing
24 shall be raised at least ten feet off the bottom of the hole and
25 cement shall be placed in the well through the casing to a depth
26 of at least twenty feet. After the cement has been placed, the
27 casing shall be lowered to the bottom of the hole. In each case,
28 where cement is used to set such liners or casing strings,
29 sufficient time shall be allowed for the proper setting of the
30 cement before drilling is resumed. The casing string shall be

1 equipped with either an approved packer or casing shoe. A liner
2 may be run and cemented as a separate string of pipe: Provided,
3 however, That the liner is run and cemented when the well is
4 drilled at least thirty feet but not more than fifty feet below
5 the coal seam; or such alternate method of protecting the coal
6 seam may be employed as the [division] department may approve
7 pursuant to an application filed under section 207. [Such
8 representative of the division as the deputy secretary shall
9 have designated] The department and the coal operator shall be
10 given at least seventy-two hours notice by the well operator
11 when the work described above is to be done.

12 (b) When a well is drilled at a location where the coal has
13 been removed from two or more seams, such liner shall extend not
14 less than twenty-five feet below the lowest seam penetrated and
15 shall extend to a point not less than twenty-five feet above the
16 highest such seam. In such multiple coal seams in a location
17 from which the coal has been removed, the liner may be run and
18 cemented as a separate string of pipe: Provided, however, That
19 the liner shall be run and cemented when the well is drilled at
20 least thirty feet and not more than fifty feet below the lowest
21 coal seam; or such alternate method of protecting the coal seams
22 may be employed as the [division] department may approve
23 pursuant to an application filed under section 207. [Such
24 representative of the division as the deputy secretary shall
25 have designated] The department and the coal operator shall be
26 given at least seventy-two hours notice by the well operator
27 when the casing is to be cemented through the coal seam.

28 (c) A well penetrating one or more workable coal seams in a
29 location from which the coal has not been removed shall be
30 drilled to such depth and of such size as will permit the

1 placing of casing and packers in the hole at such points and in
2 such manner as will exclude all oil or gas from the coal seam,
3 except such as may be found naturally in the coal seam itself.
4 Each string of casing run in the hole shall be provided with a
5 steel casing, shoe collar, packer or other suitable device
6 firmly fixed on the bottom of such string of casing. The outer
7 string of casing run through any workable coal seam shall be of
8 at least one-quarter inch wall thickness and shall be seated at
9 least thirty feet below such coal seam or, if run through more
10 than one workable coal seam, then at least thirty feet below the
11 lowest of such coal seams, in at least twenty feet of cement,
12 bentonitic mud or nonporous material or by such alternate method
13 as the [division] department may approve pursuant to an
14 application filed under section 207 and such casing string shall
15 extend to the surface. The space behind the largest diameter
16 casing extending through a workable coal seam or seams shall be
17 filled to the extent possible to the surface with cement,
18 bentonitic mud or such nonporous material or by such alternate
19 method as the [division] department may approve pursuant to an
20 application filed under section 207. [Such representative of the
21 division as the deputy secretary shall have designated] The
22 department and the coal operator or owner shall be given at
23 least seventy-two hours notice by the well operator when the
24 well is to be cased through such coal seam.

25 * * *

26 Section 205. Notice of Intention to Plug a Well and Filing
27 of Plugging Certificate.--(a) Prior to the abandonment of any
28 well in an area underlain by a workable coal seam, the well
29 operator shall notify the coal operator and the owner of all
30 known workable coal seams to whom notices are required to be

1 given under section 201 and [such representative of the division
2 as the deputy secretary shall have designated,] the department
3 of his intention to plug and abandon any such well and submit a
4 plat (on a form to be furnished by the [division] department)
5 showing the location of the well and fixing the time at which
6 the work of plugging will be commenced, which time shall be not
7 less than seventy-two hours after the time when such notice is
8 received, in order that their representatives may be present at
9 the plugging of the well. Such notice may be waived by the
10 [division] department and said coal operator or owner and either
11 of them may likewise waive his right to be present but such
12 waiver shall be in writing and a copy thereof attached to notice
13 of abandonment, filed with the [division] department under this
14 section. Whether or not such representatives appear, the well
15 operator may, if he has fully complied with the requirements of
16 this section, proceed, at the time fixed, to plug the well in
17 the manner hereinafter described. When such plugging has been
18 completed, a certificate shall be prepared (on a form to be
19 furnished by the [division] department) by two experienced and
20 qualified men who participated in the work setting forth the
21 time and manner in which the well was plugged. One copy of this
22 certificate shall be mailed to each coal operator or owner to
23 whom notice was given by [registered] certified mail and another
24 copy shall be mailed to the [division] department.

25 (b) Prior to the abandonment of any well, except an
26 uncompleted bore hole plugged immediately upon suspension of
27 drilling under provisons of section 201(a), in an area not
28 underlain by a workable coal seam, the well operator shall
29 notify the [division or such representative of the division as
30 the deputy secretary shall have designated] department of his

1 intention to plug and abandon any such well and submit a plat
2 (on a form to be furnished by the [division] department) showing
3 the location of the well and fixing the time at which the work
4 of plugging will be commenced, which time shall not be less than
5 seventy-two hours nor more than thirty days after the time of
6 mailing such notice, in order that the [division] department
7 representative may be present at the plugging of the well. Such
8 notice or waiting period may be verbally waived by the [division
9 or its representative] department: Provided, however, That in
10 non-coal areas where more than one well has been drilled as part
11 of the same development project, and these wells are now to be
12 plugged, it is required that the district oil and gas
13 representative be given seventy-two hours notice prior to
14 plugging the first well of such project subject to waiver of
15 notice described herein. [In the plugging of subsequent wells on
16 this project it shall be the responsibility of the division
17 representative to learn when this work is to be continued.] In
18 the plugging of subsequent wells no additional notice shall be
19 required if the plugging on the project is continuous. If the
20 plugging of subsequent wells is delayed for any reason, notice
21 shall be given to the department of the continuation of such
22 project. Whether or not such [division] department
23 representative appears, the well operator may, if he has fully
24 complied with the requirements of this section, proceed at the
25 time fixed to plug the well in the manner hereinafter described.
26 When such plugging has been completed a certificate shall be
27 prepared, (on a form to be furnished by the [division]
28 department) by two experienced and qualified men who
29 participated in the work, setting forth the time and manner in
30 which the well was plugged. A copy of this certificate shall be

1 mailed to the [division] department.

2 (c) Whenever any well is to be abandoned immediately after
3 completion of drilling, the well operator, if he has informed
4 the coal operator and the department of the time when drilling
5 commenced, shall give at least thirty-six hours notice by
6 telephone, confirmed by certified mail, to the department and to
7 the coal operator, if any, fixing the time at which the work of
8 plugging will be commenced. Such notice may be waived in writing
9 by the department and said coal operator or owner, and either of
10 them may likewise waive his right to be present. Whether or not
11 any representative of the department or of the coal operator, if
12 any, appear, the well operator may, if he has fully complied
13 with the requirements of this section, and no objections have
14 been raised, proceed, at the time fixed, to plug the well in the
15 manner provided by law. The well operator shall prepare the
16 certificate of plugging and mail copies of the same as provided
17 in subsections (a) and (b).

18 Section 7. Section 207 of the act is amended by adding a
19 subsection to read:

20 Section 207. Alternative Method.--* * *

21 (c) The department shall have the authority to adopt
22 regulations which require the use of alternative methods of
23 plugging wells, pulling casing, and protecting coal seams from
24 intrusion by gas, which shall take account of changes in
25 technology, but which will have as their purpose the protection
26 of people working underground, the protection of potable water
27 supplies and the health and safety of the public.

28 Section 8. The act is amended by adding sections to read:

29 Section 209. Use of Safety Devices to Prevent Blowouts,
30 Explosions, and Fires.--Any person engaged in operating any oil

1 or gas well wherein high pressure gas is known to exist, and any
2 person drilling for oil or gas in any district where the
3 pressure of oil or gas is unknown shall equip the well with
4 casings of sufficient strength, and with such other safety
5 devices as may be necessary, in accordance with methods approved
6 by the department, and shall use every effort and endeavor
7 effectually to prevent blowouts, explosions, and fires.

8 Section 210. Use of Well Casing to Prevent Water
9 Pollution.--The owner or operator of any well on lands producing
10 or reasonably presumed to contain oil or gas shall properly case
11 it with watertight and adequate metal casing, in accordance with
12 methods approved by the department, and shall, under its
13 direction, shut off all water overlying and underlying oil-
14 bearing or gas-bearing strata and prevent any water from
15 penetrating such strata. The owner or operator shall also use
16 every effort and endeavor to prevent damage to life, health,
17 property, and natural resources and prevent pollution of water
18 bearing strata and waters of the Commonwealth as defined by the
19 act of June 22, 1937 (P.L.1987, No.394), known as "The Clean
20 Streams Law."

21 ~~Section 211. Production Data.--(a) Every well operator~~ <—
22 ~~shall notify the department within thirty days of any well being~~
23 ~~placed into production for the first time.~~

24 ~~(b) Every well operator shall file an annual report with the~~
25 ~~department listing certain production data of each well. If such~~
26 ~~data is not available on an individual well basis in the~~
27 ~~ordinary course of business, then such data may be provided on a~~
28 ~~tank, meter or lease basis, and shall include, but not be~~
29 ~~limited to, the following:~~

30 ~~(1) Operator's name.~~

~~(2) Operator's address.~~

~~(3) Producing formation where the well is located.~~

~~(4) Identification of the well.~~

~~(5) Number and identification of wells producing.~~

~~(6) Number and identification of inactive wells.~~

~~(7) Number and identification of wells capped during the reporting period together with the time period each well was capped and the reason therefore.~~

~~(8) Number and identification of wells shut in for more than ninety consecutive days during the reporting period together with the time period each well was shut in and the reason therefore.~~

~~(9) The amount of oil or gas produced from each well during the reporting period.~~

~~(10) The disposition which was made of the oil or gas produced from each well, including the names of persons, if any, to whom the oil or gas was delivered, and such other information regarding the oil or gas and the disposition thereof as the department may require: Provided, however, That any company subject to the provisions of the act of May 28, 1937 (P.L.1053, No.286), known as the "Public Utility Law," shall not be required to report the names of persons to whom the oil or gas was delivered. Upon request and satisfactory showing, a longer interval may be fixed by the department for such reports in the case of any specific owner or operator.~~

~~(c) The department is hereby authorized to adopt rules and regulations regarding the filing of data pursuant to this section.~~

~~SECTION 211. PRODUCTION DATA.--(A) EVERY WELL OPERATOR SHALL NOTIFY THE DEPARTMENT WITHIN THIRTY DAYS OF ANY WELL BEING~~

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1 PLACED INTO PRODUCTION FOR THE FIRST TIME.

2 (B) EVERY GAS UTILITY COMPANY SUBJECT TO THE ACT OF MAY 28,
3 1937 (P.L.1053, NO.286), KNOWN AS THE "PUBLIC UTILITY LAW,"
4 SHALL FILE AN ANNUAL REPORT WITH THE PENNSYLVANIA PUBLIC UTILITY
5 COMMISSION LISTING CERTAIN DATA, AS SPECIFIED IN SUBSECTION (G),
6 ON ITS PURCHASES OF GAS FROM EACH WELL WITHIN THE COMMONWEALTH.

7 (C) EVERY OIL PIPELINE COMPANY OPERATING WITHIN THE
8 COMMONWEALTH SHALL FILE AN ANNUAL REPORT WITH THE PENNSYLVANIA
9 DEPARTMENT OF COMMERCE LISTING CERTAIN DATA, AS SPECIFIED IN
10 SUBSECTION (G), ON ITS PURCHASES OF OIL FROM EACH WELL WITHIN
11 THE COMMONWEALTH.

12 (D) ALL OTHER INITIAL PURCHASERS OF GAS OR OIL SHALL FILE AN
13 ANNUAL REPORT WITH THE PENNSYLVANIA DEPARTMENT OF COMMERCE
14 LISTING CERTAIN DATA, AS SPECIFIED IN SUBSECTION (G), ON THEIR
15 PURCHASES OF GAS OR OIL FROM EACH WELL WITHIN THE COMMONWEALTH.

16 (E) IF THE INFORMATION REQUIRED BY THIS SECTION IS NOT
17 AVAILABLE ON AN INDIVIDUAL WELL BASIS IN THE ORDINARY COURSE OF
18 BUSINESS, THEN SUCH DATA MAY BE PROVIDED ON A TANK, METER OR
19 LEASE BASIS.

20 (F) EVERY PERSON REQUIRED TO FILE A REPORT IN ACCORDANCE
21 WITH SUBSECTIONS (B), (C) AND (D) SHALL FORWARD A COPY OF SUCH
22 REPORT BY CERTIFIED MAIL TO EACH WELL OPERATOR INCLUDED IN SUCH
23 REPORT AND SHALL INDICATE THEREIN ANY INFORMATION REQUIRED BY
24 THIS SECTION WHICH IT IS UNABLE TO REPORT IN THE ORDINARY COURSE
25 OF BUSINESS. WITHIN SIXTY DAYS OF RECEIPT OF THE SAME THE WELL
26 OPERATOR SHALL REPORT ANY INFORMATION SO SPECIFIED TO THE
27 PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES.

28 (G) THE ANNUAL REPORT REQUIRED BY THIS SECTION SHALL
29 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

30 (1) OPERATOR'S NAME.

1 (2) OPERATOR'S ADDRESS.

2 (3) PRODUCING FORMATION WHERE THE WELL IS LOCATED.

3 (4) IDENTIFICATION OF THE WELL.

4 (5) NUMBER AND IDENTIFICATION OF WELLS PRODUCING.

5 (6) NUMBER AND IDENTIFICATION OF INACTIVE WELLS.

6 (7) NUMBER AND IDENTIFICATION OF WELLS CAPPED DURING THE
7 REPORTING PERIOD TOGETHER WITH THE TIME PERIOD EACH WELL WAS
8 CAPPED AND THE REASON THEREFORE.

9 (8) NUMBER AND IDENTIFICATION OF WELLS SHUT-IN FOR MORE THAN
10 NINETY CONSECUTIVE DAYS DURING THE REPORTING PERIOD TOGETHER
11 WITH THE TIME PERIOD EACH WELL WAS SHUT-IN AND THE REASON
12 THEREFORE.

13 (9) THE AMOUNT OF OIL OR GAS PRODUCED FROM EACH WELL DURING
14 THE REPORTING PERIOD.

15 (H) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL ACT AS
16 THE CENTRAL REPOSITORY FOR THE INFORMATION REQUIRED TO BE
17 REPORTED UNDER THIS SECTION AND THE PUBLIC UTILITY COMMISSION
18 AND THE DEPARTMENT OF COMMERCE SHALL TRANSFER THE REPORTS,
19 TOGETHER WITH A COMPILATION THEREOF, TO THE DEPARTMENT OF
20 ENVIRONMENTAL RESOURCES IN SUCH MANNER AS THE THREE BODIES SHALL
21 DETERMINE.

22 Section 212. Department Staffing.--The department is hereby
23 authorized adequate staffing to effectively carry out its duties
24 under this act.

25 Section 9. Section 301 of the act is amended by adding a
26 subsection to read:

27 Section 301. Filing of Maps and Data by Persons Operating or
28 Proposing to Operate Gas Storage Reservoirs.--* * *

29 (a.1) All persons operating gas storage reservoirs within
30 this State, shall file with the department, within sixty days of

1 the end of each storage year, an annual report showing the
2 operating history of said reservoir including withdrawals and
3 injections of gas, monthly rates and amounts of withdrawal and
4 injection, withdrawals and injection pressure data and amounts
5 of cushion and working gas at the end of that operating year and
6 other data as the department shall, by regulation, require.

7 * * *

8 Section 10. Section 503 of the act is amended by adding a
9 subsection to read:

10 Section 503. Enforcement.--* * *

11 (e) All oil and gas inspectors shall have the power under
12 this act to issue orders in connection with an inspection under
13 this act, which shall become immediately effective. Such an
14 order shall be followed by a written memorandum of the order
15 from the department.

16 Section 11. The act is amended by adding sections to read:

17 Section 504.1. Civil Penalties.--In addition to proceeding
18 under any other remedy available at law or in equity for a
19 violation of a provision of this act or a rule or regulation of
20 the department or any order of the department, the Environmental
21 Hearing Board, after hearing, may assess a civil penalty upon a
22 person for such violation. Such a penalty may be assessed
23 whether or not the violation was willful. The civil penalty so
24 assessed shall not exceed five thousand dollars (\$5,000), plus
25 five hundred dollars (\$500) for each day of continued violation.
26 In determining the amount of the civil penalty the board shall
27 consider the willfullness of the violation, damage or injury to
28 the waters of the Commonwealth or their uses, endangerment of
29 the safety of others, costs of remedying the harm, and other
30 relevant factors. It shall be payable to the Commonwealth of

1 Pennsylvania and shall be collectible in any manner provided at
2 law for the collection of debts. If any person liable to pay any
3 such penalty neglects or refuses to pay the same after demand,
4 the amount, together with interest and any costs that may
5 accrue, shall be a lien in favor of the Commonwealth upon the
6 property, both real and personal, of such person but only after
7 same has been entered and docketed of record by the prothonotary
8 of the county where such is situated. The board may, at any
9 time, transmit to the prothonotaries of the respective counties
10 certified copies of all such liens, and it shall be the duty of
11 each prothonotary to enter and docket the same of record in his
12 office, and to index the same as judgments are indexed, without
13 requiring the payment of costs as a condition precedent to the
14 entry thereof.

15 Section 504.2. Oil and Gas Fund.--All fines, civil penalties
16 and permit fees collected under this act shall be paid into the
17 Treasury of the Commonwealth into a special fund to be known as
18 the "Oil and Gas Fund," hereby established, which shall be
19 administered by the department for the plugging and sealing of
20 abandoned oil and gas wells and to cover the purposes of
21 administering this act, and for said purposes the moneys in the
22 fund are hereby appropriated to the department. SHALL BE
23 APPROPRIATED ANNUALLY BY THE GENERAL ASSEMBLY.

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24 Section 12. This act shall take effect in 90 days.