
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 402 Session of
1983

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 402, entitled:
"An act relating to the development of oil and gas and coal; imposing duties and powers on the Department of Environmental Resources; * * *; and providing for definitions, for various requirements to regulate the drilling and operation of oil and gas wells, for gas storage reservoirs, for various reporting requirements, including certain requirements concerning the operation of coal mines, for well permits, for distance requirements, for well casing requirements, for safety device requirements, for storage reservoir obligations, for well bonding requirements, for a Well Plugging Restricted Revenue Account to enforce oil and gas well plugging requirements, for the creation of an Oil and Gas Technical Advisory Board, for oil and gas well inspections, for enforcement and for penalties,"

respectfully submit the following bill as our report:

ROY W. WILT

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(Committee on the part of the Senate.)

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(Committee on the part of the House of Representatives.)

AN ACT

1 Relating to the development of oil and gas and coal; imposing
2 duties and powers on the Department of Environmental
3 Resources; imposing notification requirements to protect
4 landowners; and providing for definitions, for various
5 requirements to regulate the drilling and operation of oil
6 and gas wells, for gas storage reservoirs, for various
7 reporting requirements, including certain requirements
8 concerning the operation of coal mines, for well permits, for
9 well registration, for distance requirements, for well casing
10 requirements, for safety device requirements, for storage
11 reservoir obligations, for well bonding requirements, for a
12 Well Plugging Restricted Revenue Account to enforce oil and
13 gas well plugging requirements, for the creation of an Oil
14 and Gas Technical Advisory Board, for oil and gas well
15 inspections, for enforcement and for penalties.

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5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 CHAPTER 1

8 PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Oil and Gas
11 Act.

12 Section 102. Declaration of purpose.

13 The purposes of this act are to:

14 (1) Permit the optimal development of the oil and gas
15 resources of Pennsylvania consistent with the protection of
16 the health, safety, environment and property of the citizens
17 of the Commonwealth.

18 (2) Protect the safety of personnel and facilities
19 employed in the exploration, development, storage and
20 production of natural gas, oil or the mining of coal.

21 (3) Protect the safety and property rights of persons
22 residing in areas where such exploration, development,
23 storage or production occurs.

24 (4) Protect the natural resources, environmental rights
25 and values secured by the Pennsylvania Constitution.

26 Section 103. Definitions.

27 The following words and phrases when used in this act shall
28 have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Abandoned well." Any well that has not been used to

1 produce, extract or inject any gas, petroleum or other liquid
2 within the preceding 12 months, or any well for which the
3 equipment necessary for production, extraction or injection has
4 been removed, or any well, considered dry, not equipped for
5 production within 60 days after drilling, re-drilling or
6 deepening, except that it shall not include any well granted
7 inactive status.

8 "Alteration." Any operation which changes the physical
9 characteristics of the well bore, including stimulation or
10 removing, repairing or changing the casing: Provided, however,
11 That, for the purpose of this act only, the term shall not
12 include:

13 (1) repairing or replacing of casing with casing of the
14 same diameter and length in noncoal areas;

15 (2) repairing or replacing of production casing with
16 casing of the same or smaller diameter and length in noncoal
17 areas;

18 (3) nor shall it include stimulation as a normal initial
19 completion procedure nor stimulation used to enhance
20 additional oil or gas zones within the same well bore.

21 "Board." The Oil and Gas Technical Advisory Board.

22 "Bridge." An obstruction placed in a well at any specified
23 depth.

24 "Building." An occupied structure with walls and roof within
25 which persons live or customarily work.

26 "Casing." A string or strings of pipe commonly placed in
27 wells drilled for natural gas or petroleum.

28 "Cement" or "cement grout." Hydraulic cement properly mixed
29 with water only or any mixture of materials adequate for bonding
30 or sealing of well bores as approved by regulations promulgated

1 hereunder.

2 "Coal mine." Those operations in a coal seam which include
3 the excavated and abandoned portions as well as the places
4 actually being worked, also all underground workings and shafts,
5 slopes, tunnels and other ways and openings and all such shafts,
6 slopes, tunnels and other openings in the course of being sunk
7 or driven, together with all roads and facilities connected with
8 them below the surface.

9 "Coal operator." Any person as herein defined who proposes
10 to or does operate a coal mine either as owner or lessee.

11 "Completion of a well." The date after treatment, if any,
12 that the well is properly equipped for production of oil or gas,
13 or if the well is dry, the date the well is abandoned.

14 "Department." The Department of Environmental Resources of
15 the Commonwealth.

16 "Drilling." The drilling or redrilling of any well or the
17 deepening of any existing well.

18 "Fresh groundwater." Water in that portion of the generally
19 recognized hydrologic cycle which occupies the pore spaces and
20 fractures of saturated subsurface materials.

21 "Gas." Any fluid, either combustible or noncombustible,
22 which is produced in a natural state from the earth and which
23 maintains a gaseous or rarified state at standard temperature of
24 60 degrees Fahrenheit and pressure 14.7 PSIA, any manufactured
25 gas, any by-product gas or any mixture of gases.

26 "Inactivate." To shut off the vertical movement of gas in a
27 gas storage well by means of a temporary plug or other suitable
28 device or by injecting bentonitic mud or other such equally
29 nonporous material into the well.

30 "Linear foot." A unit of measurement in a straight line on a

1 horizontal plane.

2 "Oil" or "petroleum." Hydrocarbons in liquid form at
3 standard temperature of 60 degrees Fahrenheit and pressure 14.7
4 PSIA.

5 "Operating coal mine."

6 (1) An underground coal mine which is producing coal or
7 has been in production of coal at any time during the 12
8 months immediately preceding the date its status is put in
9 question under this act and any worked-out or abandoned coal
10 mine connected underground with or contiguous to such
11 operating coal mine as herein defined.

12 (2) Any underground coal mine to be established or
13 reestablished as an operating coal mine in the future
14 pursuant to this act.

15 "Operating well." Any well not plugged and abandoned.

16 "Outside coal boundaries." When used in conjunction with the
17 term "operating coal mine," means the boundaries of the coal
18 acreage assigned to such coal mine under an underground mine
19 permit issued by the department.

20 "Owner." Any person who owns, manages, leases, controls or
21 possesses any well or coal property, except that for purposes of
22 section 210, the term "owner" shall not include those owners or
23 possessors of surface real property on which the abandoned well
24 is located who did not participate or incur costs in the
25 drilling or extraction operation of the abandoned well and had
26 no right of control over the drilling or extraction operation of
27 the abandoned well.

28 "Pillar." A solid block of coal surrounded by either active
29 mine workings or a mined-out area.

30 "Plat." A map, drawing or print accurately drawn to scale

1 showing the proposed or existing location of a well or wells as
2 herein defined.

3 "Person." Any individual, association, partnership,
4 corporation, political subdivision or agency of the State or
5 Federal Government or other legal entity.

6 "Reservoir protective area." All of that area outside of and
7 surrounding the storage reservoir boundary but within 2,000
8 linear feet thereof, unless an alternate area shall have been
9 designated by the department, deemed reasonably necessary to
10 afford protection to the reservoir, pursuant to a conference
11 held in accordance with section 501.

12 "Retreat mining." The removal of such coal pillars, ribs and
13 stumps as remain after the development mining has been completed
14 in that section of a coal mine.

15 "Storage operator." Any person who proposes to or does
16 operate a storage reservoir either as owner or lessee.

17 "Storage reservoir." That portion of any subsurface
18 geological stratum or strata into which gas is or may be
19 injected for the purposes of storage or of testing the
20 suitability of such strata or stratum for storage.

21 "Well." A bore hole drilled or being drilled for the purpose
22 of or to be used for producing, extracting or injecting any gas,
23 petroleum or other liquid related to oil or gas production or
24 storage, including brine disposal, but excluding bore holes
25 drilled to produce potable water to be used as such.

26 "Well operator" or "operator." Any person who locates,
27 drills, operates, plugs or reconditions any well with the
28 purpose of production therefrom. In cases where a well is used
29 in connection with the underground storage of gas, the term also
30 means a "storage operator."

1 "Wetland." Those areas that are inundated or saturated by
2 surface or groundwater at a frequency and duration sufficient to
3 support and that under normal circumstances do support a
4 prevalence of vegetation typically adapted for life in saturated
5 soil conditions, including swamps, marshes, bogs and similar
6 areas.

7 "Workable coal seams."

8 (1) A coal seam in fact being mined in the area in
9 question under this act by underground methods.

10 (2) A coal seam, which in the judgment of the
11 department, can reasonably be expected to be mined by
12 underground methods.

13 CHAPTER 2

14 GENERAL REQUIREMENTS

15 Section 201. Well permits.

16 (a) No person shall drill a well or alter any existing well,
17 except for alterations which satisfy the requirements of
18 subsection (k), without having first obtained a well permit
19 pursuant to subsections (b), (c), (d) and (e).

20 (b) The permit application shall be accompanied by a plat
21 prepared by a competent engineer or a competent surveyor, on
22 forms to be furnished by the department, showing the political
23 subdivision and county in which the tract of land upon which the
24 well to be drilled is located, the name of the surface landowner
25 of record and lessor, the name of all surface landowners or
26 water purveyors whose water supplies are within 1,000 feet of
27 the proposed well location, the name of the owner of record or
28 operator of all known underlying workable coal seams, if any,
29 the acreage in the tract to be drilled, the proposed location of
30 the well determined by survey, the courses and distances of such

1 location from two or more permanent identifiable points or
2 landmarks on said tract boundary corners, the proposed angle and
3 direction of such well, if the well is to be deviated
4 substantially from a vertical course, the number or other
5 identification to be given the well, the workable coal seams, if
6 any, underlying the tract of land upon which the well is to be
7 drilled or altered which are to be cased off in accordance with
8 section 207 and such information needed by the department to
9 administer this act. The applicant shall forward, by certified
10 mail, a copy of said plat to the surface landowner, all surface
11 landowners or water purveyors whose water supplies are within
12 1,000 feet of the proposed well location, the owner and lessee,
13 if any, of such coal seams, and every coal operator required to
14 be identified on the well permit application and shall submit
15 proof of such notification with the well permit application.
16 With respect to surface owners, notification shall be
17 accomplished under this section by sending notice to the persons
18 to whom the tax notices for said surface property are sent, as
19 indicated in the assessment books in the county in which the
20 property is located. With respect to surface landowners or water
21 purveyors whose water supplies are within 1,000 feet of the
22 proposed well location, notification shall be made on forms and
23 in a manner prescribed by the department sufficient to identify,
24 for such persons, the rights afforded them under section 208 and
25 the advisability of taking their own predrilling or
26 prealteration survey. If the applicant submits to the department
27 written approval of the proposed well location by the surface
28 landowner and the coal operator, lessee or owner, if any, of the
29 coal underlying the proposed well location and no objections are
30 raised by the department within 15 days of filing or if no such

1 approval has been submitted and no objections are made to such
2 proposed well location within 15 days from receipt of such
3 notice by the surface landowner and the coal operator, lessee or
4 owner, if any, or by the department, the same shall be filed and
5 become a permanent record of such location, subject to
6 inspection at any time by any interested person.

7 (c) If the applicant for a well permit is a corporation,
8 partnership or a person nonresident of the Commonwealth, then
9 there shall be designated the name and address of an agent for
10 such operator who shall be the attorney in fact for the operator
11 and who shall be a resident of the Commonwealth upon whom
12 notices, orders or other communications issued pursuant to this
13 act or the regulations adopted hereunder may be served and upon
14 whom process may be served. Every well operator required to
15 designate an agent under this section shall within five days
16 after the termination of such designation notify the department
17 of such termination and designate a new agent.

18 (d) Every application for a well permit shall be accompanied
19 by a permit fee established by regulation of the department
20 which bears a reasonable relationship to the cost of
21 administering this act: Provided, however, That the permit fee
22 shall be \$100 for two years immediately following the effective
23 date of this act.

24 (e) The department shall issue a permit within 45 days of
25 the submission of a permit application unless the department
26 denies the permit application for one or more of the five
27 reasons set forth below: Provided, however, That the department
28 shall have the right to extend such period for 15 days for cause
29 shown upon notification to the applicant of the reasons for that
30 extension. The department may impose such permit terms and

1 conditions as are necessary to assure compliance with this act
2 and other laws administered by the department. The department
3 shall have the authority to deny a permit to any person for the
4 following reasons:

5 (1) the well site for which a permit is requested is in
6 violation of any of the provisions of this act, or if
7 issuance of such permit would result in a violation of this
8 act or any other applicable environmental statute, rule or
9 regulation;

10 (2) the permit application is incomplete;

11 (3) unresolved objections to the well location by coal
12 mine owner or operator remain;

13 (4) the requirements of section 215 have not been met;
14 or

15 (5) the applicant, with respect to any other well or
16 wells which the applicant operates, is in continuing
17 violation of this act or any other applicable statute
18 administered by the department. The right of the department
19 to deny a permit under this paragraph shall not be effective
20 until a final administrative determination has been made of
21 any of these violations and no appeal is pending in which a
22 stay has been granted.

23 (f) Upon issuance of a permit, the well operator may proceed
24 with the drilling of the well at the exact location shown on the
25 plat after providing the department, the surface landowner and
26 the local political subdivision in which the well is to be
27 located, 24 hours' notice of the date that drilling will
28 commence. In noncoal areas where more than one well is to be
29 drilled as part of the same development project, only the first
30 well of the project need be located by survey. The remaining

1 wells of the project shall be shown on the plat in a manner
2 prescribed by regulation. Prior to drilling each of the
3 additional project wells, the well operator shall notify the
4 department of his intention and provide reasonable notice of the
5 date drilling will commence. Whenever, before or during the
6 drilling of any well which is not within the outside boundaries
7 of an operating coal mine, the well operator shall encounter
8 conditions of such a nature as to render drilling of the bore
9 hole or portions thereof more hazardous than usual, or otherwise
10 impossible, then the well operator shall have the right, upon
11 verbal notice to the department, to immediately plug all or
12 portions of the bore hole, if drilling has occurred, and to
13 commence a new bore hole not more than 50 feet distant if the
14 location of the new bore hole does not violate section 205 and
15 if, for wells subject to the act of July 25, 1961 (P.L.825,
16 No.359), known as the Oil and Gas Conservation Law, the new
17 location complies with any existing law, regulation or spacing
18 order and if the new bore hole is a minimum of 330 feet distant
19 from the nearest lease boundary. Within ten days of commencement
20 of the new bore hole, the well operator shall file with the
21 department a written notice of intention to plug, a well record,
22 a completion report, a plugging certificate for the original
23 bore hole, and an amended plat for the new bore hole. The well
24 operator shall forward a copy of the amended plat to the surface
25 landowner identified on the well permit application within ten
26 days of commencement of the new well bore.

27 (g) The well permit number and operator's name, address and
28 telephone number shall be posted at the drilling site, in a
29 conspicuous manner, prior to commencement of drilling.

30 (h) The well operator shall install the permit number issued

1 by the department in a legible, visible and permanent manner on
2 the well upon completion.

3 (i) Well permits issued for drilling of wells covered by
4 this act shall expire one year after issuance unless operations
5 for drilling the well are commenced within such period and
6 pursued with due diligence or unless the permit is renewed in
7 accordance with regulations of the department. If drilling is
8 commenced during the one-year period, the well permit shall
9 remain in force until the well is plugged in accordance with
10 section 210 or the permit is revoked. Any drilling permit issued
11 prior to the effective date of this act for a well which is an
12 operating well on said date shall remain in force as a well
13 permit until the well is plugged in accordance with section 210.
14 Nothing in this subsection shall be construed to rescind the
15 provisions pertaining to drilling permits contained in the Oil
16 and Gas Conservation Law.

17 (j) The Environmental Quality Board may establish by
18 regulation certain categories of alterations of permitted or
19 registered wells for which the permitting requirements of this
20 section shall not apply. The well operator or owner who proposes
21 to conduct such alteration activity shall first obtain a permit
22 or registration modification from the department. Requirements
23 for such modifications shall be as the Environmental Quality
24 Board shall require by regulation.

25 (k) No permit issued pursuant to this section or
26 registration issued pursuant to section 203 may be transferred
27 without prior approval of the department. Requests for approval
28 of such transfer shall be made on forms or in a manner
29 prescribed by the department. The department shall only have the
30 authority to deny such request for the reasons set forth in

1 subsection (e)(4) or (5).

2 (1) The department may establish a procedure for accelerated
3 approval of well permit applications in hardship cases, as
4 defined by regulation of the Environmental Quality Board,
5 consistent with the requirements of this act.

6 Section 202. Permit objections.

7 (a) In case any well location referred to in section 201(b)
8 is made so that the well, when drilled, will be located on a
9 tract whose surface is owned by a person other than the well
10 operator then the surface landowner affected shall be notified
11 of the intent to drill and have right to file objections, in
12 accordance with section 501, based on the assertion that the
13 well location violates section 205 or that information in the
14 application is untrue in any material respect, within 15 days of
15 the receipt by the surface owner of the plat provided for in
16 section 201(b). If no such objections are filed or none are
17 raised by the department within 15 days after receipt of the
18 plat by the surface landowner, or if written approval by the
19 surface landowner is filed with the department and no objections
20 are raised by the department within 15 days of filing, the
21 department shall proceed to issue or deny the permit.

22 (b) In case any well location referred to in section 201(b)
23 is made so that the well when drilled will penetrate anywhere
24 within the outside coal boundaries of any operating coal mine or
25 coal mine already projected and platted but not yet being
26 operated or within 1,000 linear feet beyond such boundaries and
27 the well when drilled or the pillar of coal about the well will,
28 in the opinion of the coal owner or operator, unduly interfere
29 with or endanger such mine, then the coal owner or operator
30 affected shall have the right to file objections in accordance

1 with section 501 to such proposed location within 15 days of the
2 receipt by the coal operator of the plat provided for in section
3 201(b). An alternative location at which the proposed well could
4 be drilled to overcome such objections shall, if possible, be
5 indicated. If no such objections to the proposed location are
6 filed or if none are raised by the department within 15 days
7 after receipt of the plat by the coal operator or owner, or if
8 written approval by the coal operator or owner of the location
9 is filed with the department and no objections are raised by the
10 department within 15 days of filing, the department shall proceed
11 to issue or deny the permit.

12 (c) If any objections are filed by any coal operator or
13 owner or are made by the department, the department shall fix a
14 time and place for a conference in accordance with section 501
15 not more than ten days from the date of the service of such
16 objections on the well operator at which conference the well
17 operator and such coal operators or owners as are present or
18 represented shall consider the objections and attempt to agree
19 upon a location. If they fail to agree upon a location, the
20 department shall by an appropriate order, determine a location
21 on such tract of land as near to the original location as
22 possible where, in the judgment of the department, the well can
23 be safely drilled without unduly interfering with or endangering
24 such mine as defined in subsection (b). Such new location as
25 agreed upon by said parties or as determined by the department
26 shall be indicated on the plat on file with the department and
27 shall become a permanent record, whereupon the department shall
28 proceed to issue or deny the permit.

29 (d) Within 120 days after the commencement of drilling
30 operations, the coal operator shall accurately locate the well

1 by a closed survey on the same datum as the mine workings or
2 coal boundaries are mapped and file the results of the survey
3 with the department and forward, by certified mail, a copy to
4 the well operator.

5 Section 203. Well registration.

6 (a) Within one year from the effective date of this act,
7 every person owning or operating a well for which no drilling
8 permit was issued by the department shall register such well on
9 forms or in a manner prescribed by the department, which shall
10 contain the following information:

11 (1) The name and address of the well operator and, if
12 the well operator is a corporation, partnership or a person
13 nonresident of the Commonwealth, there shall be designated on
14 the well registration application the name and address of an
15 agent for such operator upon whom notices, orders, process or
16 other communications issued pursuant to this act may be
17 served.

18 (2) The well name of such well and the location of the
19 well indicated by a point on a 7 1/2 minute United States
20 Geological Survey topographic map or any other location
21 description sufficient to enable the department to locate the
22 well on the ground.

23 (3) The approximate date of the drilling, completion of
24 said well and the approximate depth of said well, the
25 producing horizons, well construction information and
26 driller's logs, if available.

27 (4) An indemnity bond or an alternative fee in lieu of
28 bonding satisfying the requirements of section 215.

29 (5) A registration fee of \$15 per well, except that the
30 department may establish a blanket registration fee not to

1 exceed \$250 where multiple well registration applications are
2 submitted simultaneously for wells that are part of the same
3 development project. The blanket registration fee shall bear
4 a reasonable relationship to the administrative costs
5 associated with processing such multiple well registration
6 applications.

7 (b) The department may extend the one-year time period
8 provided in subsection (a) for good cause shown. However, such
9 extension shall not exceed a period ending two years from the
10 effective date of this act. The department may adopt and
11 promulgate guidelines designed to insure a fair implementation
12 of this section which recognizes the practical difficulties of
13 locating unpermitted wells and complying with the reporting
14 requirements of this act.

15 (c) The well operator shall install the registration number
16 issued by the department in a legible, conspicuous and permanent
17 manner on the well within 60 days of issuance.

18 Section 204. Inactive status.

19 (a) Upon application, the department may grant inactive
20 status for any permitted or registered well which satisfies the
21 following requirements:

22 (1) the condition of the well is sufficient to prevent
23 damage to the producing zone or contamination of fresh water
24 or other natural resources or surface leakage of any
25 substance;

26 (2) the condition of the well is sufficient to stop the
27 vertical flow of fluids or gas within the well bore and which
28 is adequate to protect freshwater aquifers, if the department
29 determines the well poses a threat to the health and safety
30 of persons or property or to the environment;

1 (3) the applicant certifies that the well is of future
2 utility and presents a viable plan for utilizing the well
3 within a reasonable time; and

4 (4) the applicant satisfies the bonding requirements of
5 section 215, except that the department may require
6 additional financial security for any well on which an
7 alternative fee is being paid in lieu of bonding under
8 section 215(d).

9 (b) The owner or operator of any well granted inactive
10 status shall be responsible for monitoring the mechanical
11 integrity of such well and shall report the same on an annual
12 basis to the department in a manner and form as the department
13 shall prescribe by regulation.

14 (c) Approval of inactive status under this section shall be
15 valid for a period of five years unless renewed pursuant to the
16 requirements of this section. The department shall have the
17 right to revoke such status and order the immediate plugging of
18 said well if it is in violation of this act or any other
19 statute, rule or regulation administered by the department or
20 upon receipt by the department of notice of bankruptcy
21 proceedings by the permittee.

22 Section 205. Well location restrictions.

23 (a) Wells may not be drilled within 200 feet measured
24 horizontally from any existing building or existing water well
25 without the written consent of the owner thereof. Where the
26 distance restriction would deprive the owner of the oil and gas
27 rights of the right to produce or share in the oil or gas
28 underlying said surface tract, the well operator may be granted
29 a variance from said distance restriction upon submission of a
30 plan which shall identify the additional measures, facilities or

1 practices to be employed during well site construction, drilling
2 and operations. The variance, if granted, shall include such
3 additional terms and conditions as the department shall require
4 to insure the safety and protection of affected persons and
5 property. The provisions may include insurance, bonding and
6 indemnification, as well as technical requirements.

7 (b) No well site may be prepared or well drilled within 100
8 feet measured horizontally from any stream, spring or body of
9 water as identified on the most current 7 1/2 minute topographic
10 quadrangle map of the United States Geological Survey or within
11 100 feet of any wetlands greater than one acre in size. The
12 department may waive such distance restrictions upon submission
13 of a plan which shall identify the additional measures,
14 facilities or practices to be employed during well site
15 construction, drilling and operations. Such waiver, if granted,
16 shall impose such permit conditions as are necessary to protect
17 the waters of the Commonwealth.

18 (c) The department shall, on a making a determination on a
19 well permit, consider the impact of the proposed well on public
20 resources to include, but not be limited to, the following:

- 21 (1) Publicly owned parks, forests, gamelands and
22 wildlife areas.
- 23 (2) National or State scenic rivers.
- 24 (3) National natural landmarks.
- 25 (4) Habitats of rare and endangered flora and fauna and
26 other critical communities.
- 27 (5) Historical and archaeological sites listed on the
28 Federal or State list of historic places.

29 Section 206. Well site restoration.

30 (a) Each oil or gas well owner or operator shall restore the

1 land surface within the area disturbed in siting, drilling,
2 completing and producing the well.

3 (b) During and after all earthmoving or soil disturbing
4 activities, including but not limited to, the activities related
5 to siting, drilling, completing, producing and plugging the
6 well; erosion and sedimentation control measures shall be
7 implemented in accordance with an erosion and sedimentation
8 control plan prepared in accordance with the act of June 22,
9 1937 (P.L.1987, No.394), known as The Clean Streams Law.

10 (c) Within nine months after completion of drilling of any
11 well, the owner or operator shall restore the well site, remove
12 or fill all pits used to contain produced fluids or industrial
13 wastes and remove all drilling supplies and equipment not needed
14 for production. Drilling supplies and equipment not needed for
15 production may be stored on the well site if the express written
16 consent of the surface landowner is obtained.

17 (d) Within nine months after plugging a well, the owner or
18 operator shall remove all production or storage facilities,
19 supplies and equipment and restore the well site.

20 (e) Restoration activities required by this act or in
21 regulations promulgated hereunder shall also comply with all
22 applicable provisions of The Clean Streams Law.

23 (f) Failure to restore the well site as required in this act
24 or in regulations promulgated hereunder is a violation of this
25 act.

26 (g) The restoration period may be extended by the department
27 for an additional six months upon application of the well owner
28 or operator providing evidence of inability to comply due to
29 adverse weather conditions or lack of essential fuel, equipment
30 or labor.

1 Section 207. Protection of fresh groundwater; casing
2 requirements.

3 (a) To aid in the protection of fresh groundwater, the well
4 operator shall control and dispose of brines produced from the
5 drilling, alteration or operation of an oil or gas well in a
6 manner consistent with the act of June 22, 1937 (P.L.1987,
7 No.394), known as The Clean Streams Law, or any rule or
8 regulation promulgated thereunder.

9 (b) To prevent the migration of gas or fluids into sources
10 of fresh groundwater and to prevent pollution or diminution of
11 fresh groundwaters, there shall be run and permanently cemented
12 a string or strings of casing in each well drilled through the
13 fresh water bearing strata to a depth and in a manner prescribed
14 by regulation by the department.

15 (c) When a well is drilled at a location where the coal has
16 been removed from one or more coal seams, the well shall be
17 drilled and cased to prevent the migration of gas or fluids into
18 the seam from which the coal has been removed in a manner
19 prescribed by regulation of the department. The department and
20 the coal operator, owner or lessee shall be given at least 72
21 hours' notice prior to commencement of the work protecting the
22 mine.

23 (d) When a well is drilled at a location where the coal seam
24 has not been removed, the well shall be drilled to such a depth
25 and of size as will permit the placing of casing, packers in,
26 and vents on, the hole at such points and in such a manner
27 prescribed by the department by regulation as will exclude all
28 gas or fluids from the coal seam, except such as may be found
29 naturally in the coal seam itself and will enable the monitoring
30 of the integrity of the production casing.

1 Section 208. Protection of water supplies.

2 (a) Any well operator who affects a public or private water
3 supply by pollution or diminution shall restore or replace the
4 affected supply with an alternate source of water adequate in
5 quantity or quality for the purposes served by the supply.

6 (b) Any landowner or water purveyor suffering pollution or
7 diminution of a water supply as a result of the drilling,
8 alteration or operation of an oil or gas well may so notify the
9 department and request that an investigation be conducted.

10 Within ten days of such notification, the department shall
11 investigate any such claim and shall, within 45 days following
12 notification, make a determination. If the department finds that
13 the pollution or diminution was caused by the drilling,
14 alteration or operation activities or if it presumes the well
15 operator responsible for pollution pursuant to subsection (c),
16 then it shall issue such orders to the well operator as are
17 necessary to assure compliance with subsection (a). Such orders
18 may include orders requiring the temporary replacement of a
19 water supply where it is determined that the pollution or
20 diminution may be of limited duration.

21 (c) Unless rebutted by one of the five defenses established
22 in subsection (d), it shall be presumed that a well operator is
23 responsible for the pollution of a water supply that is within
24 1,000 feet of the oil or gas well, where the pollution occurred
25 within six months after the completion of drilling or alteration
26 of such well.

27 (d) In order to rebut the presumption of liability
28 established in subsection (c), the well operator must
29 affirmatively prove one of the following five defenses:

30 (1) The pollution existed prior to the drilling or

1 alteration activity as determined by a predrilling or
2 prealteration survey.

3 (2) The landowner or water purveyor refused to allow the
4 operator access to conduct a predrilling or prealteration
5 survey.

6 (3) The water supply is not within 1,000 feet of the
7 well.

8 (4) The pollution occurred more than six months after
9 completion of drilling or alteration activities.

10 (5) The pollution occurred as the result of some cause
11 other than the drilling or alteration activity.

12 (e) Any operator electing to preserve its defenses under
13 subsection (d)(1) or (2) shall retain the services of an
14 independent certified laboratory to conduct the predrilling or
15 prealteration survey of water supplies. A copy of the results of
16 any such survey shall be submitted to the department and the
17 landowner or water purveyor in a manner prescribed by the
18 department.

19 (f) Nothing herein shall prevent any landowner or water
20 purveyor who claims pollution or diminution of a water supply
21 from seeking any other remedy that may be provided at law or in
22 equity.

23 Section 209. Use of safety devices.

24 Any person engaged in drilling any oil or gas well shall
25 equip the well with casings of sufficient strength and with such
26 other safety devices as may be necessary in a manner as
27 prescribed by regulation of the department and shall use every
28 effort and endeavor effectively to prevent blowouts, explosions
29 and fires.

30 Section 210. Plugging requirements.

1 (a) Upon abandoning any well, the owner or operator thereof
2 shall plug the well in a manner prescribed by regulation of the
3 department in order to stop any vertical flow of fluids or gas
4 within the well bore unless the department has granted inactive
5 status for such well pursuant to section 204.

6 (b) Prior to the abandonment of any well in an area
7 underlain by a workable coal seam, the well operator or owner
8 shall notify the coal operator, lessee or owner and the
9 department of his intention to plug and abandon any such well
10 and submit a plat, on a form to be furnished by the department,
11 showing the location of the well and fixing the date and time at
12 which the work of plugging will be commenced, which time shall
13 be not less than 72 hours after the time when such notice is
14 received, nor more than 30 days thereafter in order that their
15 representatives may be present at the plugging of the well. Such
16 notice may be waived by the department and said coal operator,
17 lessee or owner and any of them may likewise waive their right
18 to be present but such waiver by coal operator, lessee or owner
19 shall be in writing and a copy thereof attached to the notice of
20 abandonment, filed with the department under this section.
21 Whether or not such representatives appear, the well operator
22 may, if he has fully complied with the requirements of this
23 section, proceed at the time fixed, to plug the well in the
24 manner as prescribed by regulation of the department. When such
25 plugging has been completed, a certificate shall be prepared and
26 signed, on a form to be furnished by the department, by two
27 experienced and qualified people who participated in the work
28 setting forth the time and manner in which the well has been
29 plugged. One copy of this certificate shall be mailed to each
30 coal operator, lessee or owner to whom notice was given by

1 certified mail and another copy shall be mailed to the
2 department.

3 (c) Prior to the abandonment of any well, except an
4 uncompleted bore hole plugged immediately upon suspension of
5 drilling in an area not underlain by a workable coal seam, the
6 well operator shall notify the department of his intention to
7 plug and abandon any such well and submit a plat, on a form to
8 be furnished by the department, showing the location of the well
9 and fixing the date and time at which the work of plugging will
10 be commenced, which time shall not be less than 72 hours nor
11 more than 30 days after the time of mailing such notice, in
12 order that the department representative may be present at the
13 plugging of the well. Such notice or waiting period may be
14 verbally waived by the department. In noncoal areas where more
15 than one well has been drilled as part of the same development
16 project and these wells are now to be plugged, it is required
17 that the department be given 72 hours' notice prior to plugging
18 the first well of such project subject to waiver of notice
19 described herein. In the plugging of subsequent wells, no
20 additional notice shall be required if the plugging on the
21 project is continuous. If the plugging of subsequent wells is
22 delayed for any reason, notice shall be given to the department
23 of the continuation of such project. Whether or not such
24 department representative appears, the well operator may, if he
25 has fully complied with the requirements of this section,
26 proceed at the time fixed to plug the well in the manner as
27 prescribed by regulation of the department. When such plugging
28 has been completed, a certificate shall be prepared, on a form
29 to be furnished by the department, by two experienced and
30 qualified people who participated in the work, setting forth the

1 time and manner in which the well was plugged. A copy of this
2 certificate shall be mailed to the department.

3 (d) Whenever any well is to be abandoned immediately after
4 completion of drilling, the well operator shall give at least 24
5 hours' notice by telephone, confirmed by certified mail, to the
6 department and to the coal operator, lessee or owner, if any,
7 fixing the date and time at which the work of plugging will be
8 commenced. Such notice may be waived by the department and said
9 coal operator, lessee or owner, and any of them may likewise
10 waive their right to be present. Whether or not any
11 representative of the department or of the coal operator, lessee
12 or owner, if any, appear, the well operator may, if he has fully
13 complied with the requirements of this section, proceed at the
14 time fixed, to plug the well in the manner provided by
15 regulation prescribed by the department. The well operator shall
16 prepare the certificate of plugging and mail copies of the same
17 as provided in subsections (b) and (c).

18 (e) If a well is abandoned without plugging, the department
19 shall have the right to enter upon the well site and plug the
20 abandoned well and to sell such equipment casing and pipe as may
21 have been used in the production of the well in order to recover
22 the costs of plugging. Said costs of plugging shall have
23 priority over all liens on said equipment, casing and pipe and
24 said sale shall be free and clear of any such liens to the
25 extent the costs of plugging exceed the sale price. If the
26 equipment price obtained for casing and pipe salvaged at the
27 abandoned well site is inadequate to pay for the cost of
28 plugging the well, the owner or operator of the well shall be
29 legally liable for the additional costs of plugging the well.

30 Section 211. Alternative methods.

1 Whenever provision is made in this act for adoption of
2 regulatory requirements for casing, plugging or equipping a
3 well, a well operator may request the authority to use an
4 alternative method of material by filing an application with the
5 department, describing such proposed alternative method or
6 material in reasonable detail indicating the manner in which it
7 will accomplish the goals of this act and regulations adopted
8 pursuant hereto. Notice of filing of any such application shall
9 be given by the well operator by certified mail to any coal
10 operator or operators affected. Any such coal operator may,
11 within 15 days following such notice, file objections to such
12 proposed alternative method or material. If no objections are
13 filed within said 15-day period and if none is raised by the
14 department, the department shall forthwith make a determination
15 whether to allow the use of the proposed alternative method or
16 material.

17 Section 212. Well reporting requirements.

18 (a) Every well operator shall file with the department, on a
19 form provided by the department, an annual report specifying the
20 amount of production from each well on an individual well basis.
21 Where said data is not available on a well basis, it may be
22 reported on the most well-specific basis available. Annual
23 reports shall also specify the status of each well, however, in
24 subsequent years, only changes in the status need be reported.
25 All such reports shall be kept confidential for one year after
26 the date the information is required to be filed hereunder. Upon
27 request of the well operator, the department shall extend the
28 period of confidentiality for four years. The total period of
29 confidentiality shall not exceed five years: Provided, however,
30 That the department shall have the right to utilize such

1 information in enforcement proceedings, in making designations
2 or determinations under section 1927-A of the act of April 9,
3 1929 (P.L.177, No.175), known as The Administrative Code of
4 1929, or in aggregate form for statistical purposes.

5 (b) It shall be the duty of the well operator to keep
6 records of any well drilled or altered. A record of the well
7 containing such information as required by regulation shall be
8 filed with the department within 30 days of cessation of
9 drilling. A completion report containing such additional
10 information as required by regulation shall be filed with the
11 department within 30 days after the completion of the well and
12 it shall be kept on file by the department. Within 90 days after
13 the completion of drilling or recompletion of a well, if
14 requested by the department, the well operator shall submit a
15 copy of the electrical, radioactive or other standard industry
16 logs if they have been run. In addition, if requested by the
17 department within one year, the well operator shall file a copy
18 of drill stem test charts, formation water analysis, porosity,
19 permeability or fluid saturation measurements, core analysis and
20 lithologic log or sample description or other similar data as
21 compiled. No such information shall be required unless the well
22 operator has had such information compiled in the ordinary
23 course of business. No interpretation of the data is to be
24 filed.

25 (c) Upon notification by the department prior to
26 commencement of drilling, the well operator shall collect for
27 the department additional data as the department shall specify,
28 such as representative drill cuttings and samples from cores
29 taken and any other such geological information that the
30 operator reasonably can compile. No interpretation of the data

1 is to be filed.

2 (d) All electrical, radioactive or other standard industry
3 logs, drill stem test charts, formation water analyses,
4 porosity, permeability or fluid saturation measurements, core
5 analysis and lithologic logs or sample description or other
6 similar data as compiled, required under subsection (b) or drill
7 cuttings required under subsection (c) shall be retained by the
8 well operator and shall be filed with the department three years
9 after completion of the well. Upon request of the well operator,
10 the department shall extend the date for the filing of the data
11 but the extension shall not exceed five years from the date of
12 completion of the well: Provided, however, That the department
13 shall have the right to utilize such information in enforcement
14 proceedings, in making designations or determinations under
15 section 1927-A of the act of April 9, 1929 (P.L.177, No.175),
16 known as The Administrative Code of 1929, or in aggregate form
17 for statistical purposes.

18 Section 213. Notification of transfer.

19 The owner or operator of any well shall notify the
20 department, in writing, in such form as the department may
21 direct by regulation, of the sale, assignment, transfer,
22 conveyance or exchange by the owner or to the owner of such well
23 within 30 days after such sale, assignment, conveyance or
24 exchange. No such transfer shall relieve the well owner or
25 operator of any liability accrued under this act, nor shall it
26 relieve him of the obligation to plug said well until the
27 requirements of section 215 have been met.

28 Section 214. Coal operator responsibilities.

29 (a) Hereafter, at any time prior to removing any coal or
30 other underground material or extending the workings in any coal

1 mine within 500 feet of any oil or gas well of which the coal
2 operator has knowledge, or any approved well location of which
3 the coal operator has knowledge, the coal operator shall
4 forward, by certified mail, to or file with the well operator
5 and the department a copy of such relevant part of its maps and
6 plans which it is presently required by law to prepare and file
7 with the department, showing the pillar which the coal operator
8 proposes to leave in place around each oil or gas well in the
9 projected workings. Following the filing of maps and plans, the
10 coal operator may proceed with mining operations in the manner
11 projected on said maps and plans but he shall not remove any
12 coal or cut any passageway within 150 feet of any such well or
13 approved well location until written approval has been granted
14 as hereinafter provided. If, in the opinion of the well operator
15 or the department, such plan indicates that the pillar proposed
16 to be left around any such well or approved well location is
17 inadequate to protect either the integrity of the well or the
18 public health and safety, then the well operator affected shall
19 attempt to agree with the coal operator upon a suitable pillar,
20 subject to the approval of the department, but failing to agree,
21 such well operator may, within ten days from receipt by them of
22 such plan, file objections in accordance with section 501 to
23 such proposed plan, indicating the size of the pillar to be left
24 with respect to each such well. If no objections are filed
25 within said ten-day period or if none are raised by the
26 department, the department shall forthwith grant approval to the
27 coal operator reciting the filing of said maps or plans, that no
28 objections have been made thereto and that the pillar proposed
29 to be left for each such well is approved in the manner as
30 projected.

1 (b) If any objections are filed by such well operator or are
2 raised by the department, the department shall direct that a
3 conference be held in accordance with section 501 within ten
4 days of the filing of such objections. At such conference the
5 coal operator and the person who has filed such objections shall
6 attempt to agree upon a proposed plan, showing the pillar to be
7 left around each well, which will satisfy such objections and be
8 approved by the department and, if such plan is agreed upon, the
9 department shall forthwith grant approval to the coal operator
10 reciting the filing of said plan and that the pillar to be left
11 for each such well is approved as agreed upon. If no such plan
12 showing the pillar to be left with respect to each well can be
13 agreed upon at such conference, the department shall by an
14 appropriate order, determine the pillar to be left with respect
15 to such well. In a proceeding under this section, the department
16 shall follow as nearly as is possible the original plan filed by
17 the coal operator. The department shall not require the coal
18 operator to leave a pillar in excess of 100 feet in radius,
19 except that, if it is established that unusual conditions exist
20 requiring the leaving of a larger pillar, the department may
21 require a pillar up to but not exceeding 150 feet in radius. The
22 pillar to be left with respect to each well as determined by the
23 department shall be shown on the maps or plans on file with the
24 department as provided in subsection (a) and the department
25 shall thereupon approve the pillar to be left for each such
26 well.

27 (c) Application may be made at any time to the department by
28 the coal operator to leave a pillar of less size than that shown
29 on the plan filed by him or approved or determined by the
30 department pursuant to the provisions of this section. If any

1 such application is filed, the department may, following the
2 procedure hereinbefore in this section prescribed, by an
3 appropriate order, determine a different plan showing a pillar
4 of less size with respect to any or all wells covered by such
5 application and shall thereupon grant approval for the pillar to
6 be left with respect to each such well.

7 (d) No coal operator shall, without the written approval of
8 the department after notice and opportunity for hearing as
9 prescribed in this section, remove any coal or cut any
10 passageway so as to leave a pillar of less size with respect to
11 any oil or gas well than that approved by the department under
12 this act.

13 (e) Nothing in this act shall be construed to require a well
14 operator to pay for any coal pillar required by the act to be
15 left around any well drilled prior to the effective date of this
16 act. Nothing contained in this act, which may require a coal
17 operator to leave a pillar of coal of a certain size around a
18 well drilled after the effective date of this act, shall in any
19 way affect any right which the coal operator would have had
20 prior to the effective date of this act to obtain payment for
21 such coal, nor any duty or right which the well operator,
22 storage operator or land owner may have had prior to the
23 effective date of this act to pay for or not to pay for such
24 coal.

25 (f) A coal operator who intends to mine through a plugged
26 oil or gas well must file a plan to completely remove a pillar
27 from around the well, in accordance with subsection (a). This
28 plan shall be subject to all the requirements of this section.
29 No coal operator may mine through a plugged oil or gas well of
30 which he has knowledge until written approval has been granted

1 by the department in accordance with this section.

2 (g) The Bureau of Deep Mine Safety in the department shall
3 have the authority to establish the conditions under which the
4 department may approve a coal operator's plan to mine through a
5 plugged oil or gas well.

6 Section 215. Bonding.

7 (a) Except as provided in subsection (d) hereof, upon filing
8 an application for a well permit and before continuing to
9 operate any oil or gas well, the owner or operator thereof shall
10 file with the department a bond for the well and the well site
11 on a form to be prescribed and furnished by the department,
12 payable to the Commonwealth and conditioned that the operator
13 shall faithfully perform all of the requirements of this act.
14 The amount of the bond required shall be in the amount of \$2,500
15 per well for at least two years following the effective date of
16 this act, after which time the bond amount may be adjusted by
17 the Environmental Quality Board every two years to reflect the
18 projected costs to the Commonwealth of performing well plugging.

19 In lieu of individual bonds for each well, an owner or
20 operator may file a blanket bond, on a form prepared by the
21 department, covering all of its wells in Pennsylvania as
22 enumerated on the bond form. A blanket bond shall be in the
23 amount of \$25,000 for at least two years following the effective
24 date of this act, after which time the bond amount may be
25 adjusted by the Environmental Quality Board every two years to
26 reflect the projected costs to the Commonwealth of performing
27 well plugging.

28 Liability under such bond shall continue until the well has
29 been properly plugged in accordance with this act and for a
30 period of one year after filing of the certificate of plugging

1 with the department. Each bond shall be executed by the operator
2 and a corporate surety licensed to do business in the
3 Commonwealth and approved by the secretary. The operator may
4 elect to deposit cash, bank certificates of deposit,
5 automatically renewable irrevocable bank letters of credit which
6 may be terminated by the bank at the end of a term only upon the
7 bank giving 90 days prior written notice to the permittee and
8 the department or negotiable bonds of the United States
9 Government or the Commonwealth, the Pennsylvania Turnpike
10 Commission, the General State Authority, the State Public School
11 Building Authority or any municipality within the Commonwealth,
12 with the department in lieu of a corporate surety. The cash
13 deposit, bank certificate of deposit, amount of such irrevocable
14 letter of credit or market value of such securities shall be
15 equal at least to the sum of the bond. The secretary shall, upon
16 receipt of any such deposit of cash, letters of credit or
17 negotiable bonds, immediately place the same with the State
18 Treasurer, whose duty it shall be to receive and hold the same
19 in the name of the Commonwealth, in trust, for the purpose for
20 which such deposit is made. The State Treasurer shall at all
21 times be responsible for the custody and safekeeping of such
22 deposits. The operator making deposit shall be entitled from
23 time to time to demand and receive from the State Treasurer, on
24 the written order of the secretary, the whole or any portion of
25 any collateral so deposited, upon depositing with him, in lieu
26 thereof, other collateral of the classes herein specified having
27 a market value at least equal to the sum of the bond, and also
28 to demand, receive and recover the interest and income from said
29 negotiable bonds as the same becomes due and payable. Where
30 negotiable bonds, deposited as aforesaid, mature or are called,

1 the State Treasurer, at the request of the owner thereof, shall
2 convert such negotiable bonds into such other negotiable bonds
3 of the classes herein specified as may be designated by the
4 owner. Where notice of intent to terminate a letter of credit is
5 given, the department shall give the operator 30 days' written
6 notice to replace the letter of credit with other acceptable
7 bond guarantees as provided herein and if the owner or operator
8 fails to replace the letter of credit within the 30-day
9 notification period, the department shall draw upon and convert
10 such letter of credit into cash and hold it as a collateral bond
11 guarantee.

12 (b) No bond shall be fully released until all requirements
13 of this act are fully met. Upon release of all of the bonds and
14 collateral as herein provided, the State Treasurer shall
15 immediately return to the owner the amount of cash or securities
16 specified therein.

17 (c) If the well owner or operator fails or refuses to comply
18 with the requirements of this act, the regulations promulgated
19 hereunder or the conditions of the permit, the department may
20 declare the bond forfeited and shall certify the same to the
21 Attorney General, who shall proceed to enforce and collect the
22 full amount of the bond and where the owner or operator has
23 deposited cash or securities as collateral in lieu of a
24 corporate surety, the department shall declare said collateral
25 forfeited and shall direct the State Treasurer to pay the full
26 amount of said funds into the Well Plugging Restricted Revenue
27 Account, or to proceed to sell said security to the extent
28 forfeited and pay the proceeds thereof into the Well Plugging
29 Restricted Revenue Account. Should any corporate surety or bank
30 fail to promptly pay, in full, a forfeited bond, it shall be

1 disqualified from writing any further bonds under the act or any
2 other environmental act administered by the department. Any
3 person aggrieved by reason of forfeiting the bond or converting
4 collateral, as herein provided, shall have a right to appeal to
5 the Environmental Hearing Board in the manner provided by law.
6 Upon forfeiture of a blanket bond for a violation occurring at
7 one or more well sites, the person whose bond is forfeited shall
8 submit a replacement bond to cover all other wells of which he
9 is owner or operator within ten days of said forfeiture. Failure
10 to submit said replacement bond constitutes a violation of this
11 section as to each of the wells owned or operated by said
12 person.

13 (d) Any well operator who cannot obtain a bond for a well
14 drilled prior to the effective date of this act, as required
15 under subsection (a), due to an inability to demonstrate
16 sufficient financial resources shall submit to the department
17 letters of rejection from three separate bonding companies
18 licensed to do business in the Commonwealth. Such letters shall
19 state that the operator has been denied a bond and state the
20 grounds for denial of the bond. In lieu of the bond, the
21 operator shall submit to the department a fee in the amount of
22 \$50 per well, or a blanket fee of \$500 for ten to 20 wells, or a
23 blanket fee of \$1,000 for more than 20 wells, which shall be a
24 nonrefundable fee paid each year that the operator has not filed
25 a bond with the department. The operator must demonstrate every
26 three years a continued inability to obtain a bond as prescribed
27 above. All fees collected in lieu of a bond under this
28 subsection shall be paid into the Well Plugging Restricted
29 Revenue Account and shall be used for the purposes authorized by
30 this act. The Environmental Quality Board shall have the power,

1 by regulation, to increase the amount of the fees established
2 under this subsection if it is found that the total moneys
3 collected hereunder are insufficient to reimburse the
4 Commonwealth for costs incurred in correcting violations on
5 wells covered under this subsection.

6 (e) All remedies for violation of this act, the regulations
7 adopted hereunder or the conditions of permits are expressly
8 preserved. Nothing in subsections (a), (b) and (c) shall be
9 construed as an exclusive penalty or remedy for such violations
10 of law. No action taken pursuant to subsection (c) shall waive
11 or impair any other remedy or penalty provided in law.

12 Section 216. Oil and Gas Technical Advisory Board.

13 (a) There shall be created an Oil and Gas Technical Advisory
14 Board. The board shall consist of five members, all of whom
15 shall be chosen by the Governor and shall be residents of this
16 Commonwealth. Three members shall be either petroleum engineers,
17 petroleum geologists or experienced driller representatives of
18 the oil and gas industry with three years of experience in
19 Pennsylvania. One member shall be a mining engineer from the
20 coal industry with three years of experience in Pennsylvania.
21 One member shall be a geologist or petroleum engineer with three
22 years of experience in Pennsylvania, who shall be chosen from a
23 list of three names submitted by the Citizens Advisory Council
24 to the Governor and who shall sit as a representative of the
25 public interest.

26 (b) Board members shall not receive a salary but shall be
27 reimbursed for all necessary expenses incurred in the
28 performance of their duties.

29 (c) All actions of the board shall be by majority vote. The
30 board shall meet upon the call of the secretary, but not less

1 than semiannually, to carry out its duties under this act. The
2 board shall select a chairman and such other officers as it
3 deems appropriate.

4 (d) The department shall consult with the board in the
5 formulation, drafting and presentation stages of all regulations
6 of a technical nature promulgated under this act. The board
7 shall be given a reasonable opportunity to review and comment on
8 all regulations of a technical nature prior to submission to the
9 Environmental Quality Board for initial consideration. The
10 written report of the board shall be presented to the
11 Environmental Quality Board with any regulatory proposal. The
12 chairman of the board shall be invited to participate in the
13 presentation of all regulations of a technical nature before the
14 Environmental Quality Board to the extent allowed by procedures
15 of the Environmental Quality Board. Nothing herein shall
16 preclude any member of the board from filing a petition for
17 rulemaking with the Environmental Quality Board in accordance
18 with procedures established by the Environmental Quality Board.

19 CHAPTER 3

20 UNDERGROUND GAS STORAGE

21 Section 301. Reporting requirements for gas storage operations.

22 (a) Any person who is injecting into or storing gas in a
23 storage reservoir which underlies or is within 3,000 linear feet
24 of an operating coal mine which is operating in a coal seam that
25 extends over the storage reservoir or the reservoir protective
26 area, shall, within 60 days thereafter, file with the department
27 a copy of a map and certain data in the form and manner provided
28 in this subsection or as otherwise prescribed by regulation of
29 the department.

30 Any person who is injecting gas into or storing gas in a

1 storage reservoir which is not under or within 3,000 linear feet
2 but is less than 10,000 linear feet from an operating coal mine
3 which is operating in a coal seam that extends over the storage
4 reservoir or the reservoir protective area, shall file such map
5 and data within such time in excess of 60 days as the department
6 may fix or as otherwise prescribed by regulation.

7 Any person who proposes to inject or store gas in a storage
8 reservoir located as above, shall file the required map and data
9 with the department not less than six months prior to the
10 starting of actual injection or storage.

11 The map provided for herein shall be prepared by a competent
12 engineer or competent geologist. It shall show the stratum or
13 strata in which the existing or proposed storage reservoir is or
14 is to be located, the geographic location of the outside
15 boundaries of the said storage reservoir and reservoir
16 protective area, the location of all known oil or gas wells
17 within the reservoir or within 3,000 linear feet thereof, which
18 have been drilled into or through the storage stratum indicating
19 which of these wells have been or are to be cleaned out and
20 plugged or reconditioned for storage and also indicating the
21 proposed location of all additional wells which are to be
22 drilled within the storage reservoir or within 3,000 linear feet
23 thereof.

24 The following information, if available, shall be furnished
25 for all known oil or gas wells which have been drilled into or
26 through the storage stratum within the storage reservoir or
27 within 3,000 linear feet thereof, name of the operator, date
28 drilled, total depth, depth of production if the well was
29 productive of oil or gas, the initial rock pressure and volume,
30 the depths at which all coal seams were encountered and a copy

1 of the driller's log or other similar information. At the time
2 of the filing of the aforesaid maps and data, such person shall
3 file a detailed statement of what efforts he has made to
4 determine that the wells shown on said map are accurately
5 located thereon and that, to the best of his knowledge, they are
6 all the oil or gas wells which have ever been drilled into or
7 below the storage stratum within the proposed storage reservoir
8 or within the reservoir protective area. This statement shall
9 also include information as to whether or not the initial
10 injection is for testing purposes, the maximum pressure at which
11 injection and storage of gas is contemplated and a detailed
12 explanation of the methods to be used or which, theretofore,
13 have been used in drilling, cleaning out, reconditioning and
14 plugging wells in the storage reservoir or within the reservoir
15 protective area. The map and data required to be filed hereunder
16 shall be amended or supplemented semiannually in case any
17 material changes have occurred. The department may required a
18 storage operator to amend or supplement such map or data at more
19 frequent intervals if material changes have occurred justifying
20 such earlier filing.

21 (b) Any person who is injecting gas into or storing gas in a
22 storage reservoir not then subject to subsection (a), by a
23 process other than that of secondary recovery or gas recycling,
24 shall, with such time in excess of 60 days as the department may
25 fix, file with the department a copy of a map and certain data
26 in the form and manner provided in this subsection or as
27 prescribed by regulation of the department.

28 Any person who, after the effective date of this chapter,
29 proposes to inject or store gas in a storage reservoir in an
30 area not covered by subsection (a) by a process other than that

1 of secondary recovery or gas recycling, shall file the required
2 map and data with the department not less than six months prior
3 to the starting of actual injection or storage.

4 The map provided for herein shall be prepared by a competent
5 engineer or competent geologist. It shall show the stratum or
6 strata in which the existing or proposed storage reservoir is or
7 is to be located, the geographic location of the outside
8 boundaries of the said storage reservoir, the location of all
9 known oil or gas wells within the reservoir or within 3,000
10 linear feet thereof, which have been drilled into or through the
11 storage stratum, indicating which of these wells have been or
12 are to be cleaned out and plugged or reconditioned for storage
13 and also indicating the proposed location of all additional
14 wells which are to be drilled within the storage reservoir or
15 within 3,000 linear feet thereof.

16 The following information, if available, shall be furnished
17 for all known oil or gas wells which have been drilled into or
18 through the storage stratum within the storage reservoir or
19 within 3,000 linear feet thereof, name of the operator, date
20 drilled, total depth, depth of production if the well was
21 productive of oil or gas, the initial rock pressure and volume
22 and a copy of the driller's log or other similar information. At
23 the time of the filing of the aforesaid maps and data, such
24 person shall file a detailed statement of what efforts he has
25 made to determine that the wells shown on said map are
26 accurately located thereon and that, to the best of that
27 person's knowledge, they are all the oil or gas wells which have
28 ever been drilled into or below the storage stratum within the
29 proposed storage reservoir. This statement shall also include
30 information as to whether or not the initial injection is for

1 testing purposes, the maximum pressure at which injection and
2 storage of gas is contemplated and a detailed explanation of the
3 methods to be used or which, theretofore, have been used in
4 drilling, cleaning out, reconditioning and plugging wells in the
5 storage reservoir. The map and data required to be filed
6 hereunder shall be amended or supplemented semiannually in case
7 any material changes have occurred. The department may require a
8 storage operator to amend or supplement such map or data at more
9 frequent intervals if material changes have occurred justifying
10 such earlier filing.

11 (c) Storage operators shall give notice to the department of
12 the name of each political subdivision and county in which said
13 operator maintains and operates a gas storage reservoir.

14 (d) At the time of the filing of maps and data and the
15 filing of amended or supplemental maps or data required by this
16 section, the person filing the data shall give written notice of
17 said filing to all persons who may be affected under the
18 provisions of this act by the storage reservoir described in
19 such maps or data. Such notices shall contain a description of
20 the boundaries of such storage reservoir. When a person
21 operating a coal mine or owning an interest in coal properties
22 which are or may be affected by the storage reservoir requests,
23 in writing, a copy of any map or data filed with the department,
24 such copy shall be furnished by the storage operator.

25 (e) For all purposes of this act, the outside boundaries of
26 a storage reservoir shall be defined by the location of those
27 wells around the periphery of the storage reservoir which had no
28 gas production when drilled in said storage stratum. The
29 boundaries as thus defined shall be originally fixed or
30 subsequently changed where, based upon the number and nature of

1 such wells, and upon the geological and production knowledge of
2 the storage stratum, its character, permeability, distribution
3 and operating experience, it is determined in a conference under
4 section 501 that modification should be made.

5 (f) The requirements of this section shall not apply to the
6 operator of an underground gas storage reservoir so long as said
7 reservoir is located more than 10,000 linear feet from an
8 operating coal mine. Such storage operator shall give notice to
9 the department of the name of each political subdivision and
10 county in which said operator maintains and operates a gas
11 storage reservoir. In those political subdivisions and counties
12 where both gas storage reservoirs and coal mines are being
13 operated, the department may request the storage operator to
14 furnish maps showing the geographical location and outside
15 boundaries of such storage reservoirs. The department shall keep
16 a record of such information and shall promptly notify the coal
17 operator and the storage operator when notified by them that the
18 coal mine and storage reservoir are within 10,000 linear feet of
19 each other.

20 Section 302. Reporting requirements for coal mining operations.

21 (a) Any person owning or operating a coal mine shall file
22 with the department a map prepared and sealed by a competent
23 individual licensed as a professional engineer or professional
24 land surveyor pursuant to the provisions of the act of May 23,
25 1945 (P.L.913, No.367), known as the Professional Engineers
26 Registration Law, showing the outside coal boundaries of the
27 said operating coal mine, the existing workings and exhausted
28 areas and the relationship of said boundaries to identifiable
29 surface properties and landmarks. Any operating coal mine, which
30 has been penetrated by a well shall furnish a mine map to the

1 department each year indicating the excavations for the
2 preceding year and the projections for the ensuing year. Any
3 person who is storing or contemplating the storage of gas in the
4 vicinity of such operating coal mines shall, upon written
5 request, be furnished a copy of the aforesaid map by the coal
6 operator and such person and the department shall, thereafter,
7 be informed of any boundary changes at the time such changes
8 occur. The department shall keep a record of such information
9 and shall promptly notify the coal operator and the storage
10 operator when notified by them that the coal mine and the
11 storage reservoir are within 10,000 linear feet of each other.

12 (b) Any person owning or operating any coal mine which is or
13 which hereafter comes within 10,000 linear feet of a storage
14 reservoir and where the coal seam being operated extends over
15 the storage reservoir or the reservoir protective area, shall,
16 within 45 days after he has notice from the storage operator of
17 such fact, file with the department and furnish to the person
18 operating such storage reservoir a map in the form hereinabove
19 provided and showing, in addition, the existing and projected
20 excavations and workings of such operating coal mine for the
21 ensuing 18-month period and, also, the location of any oil or
22 gas wells of which said coal operator has knowledge. Such person
23 owning or operating said coal mine shall, each six months
24 thereafter, file with the department and furnish to the person
25 operating such storage reservoir a revised map showing any
26 additional excavations and workings, together with the projected
27 excavations and workings for the then ensuing 18-month period,
28 which may be within 10,000 linear feet of said storage
29 reservoir. The department may require a coal operator to file
30 such revised map at more frequent intervals if material changes

1 have occurred justifying such earlier filing. Such person owning
2 or operating said coal mine shall also file with the department
3 and furnish the person operating said reservoir prompt notice of
4 any wells which have been cut into, together with all available
5 pertinent information.

6 (c) Any person owning or operating a coal mine who has
7 knowledge that it overlies or is within 2,000 linear feet of a
8 gas storage reservoir shall, within 30 days, notify the
9 department and the storage operator of such fact.

10 (d) When any person owning or operating a coal mine
11 hereafter expects that within the ensuing nine-month period,
12 such coal mine will be extended to a point which will be within
13 2,000 linear feet of any storage reservoir, he shall notify the
14 department and the storage operator in writing of such fact.

15 (e) Any person hereafter intending to establish or
16 reestablish an operating coal mine which, when established or
17 reestablished, will be over a storage reservoir or within 2,000
18 linear feet of a storage reservoir or which, upon being
19 established or reestablished, may, within nine months
20 thereafter, be expected to be within 2,000 linear feet of a
21 storage reservoir, shall notify the department and the storage
22 operator, in writing, before doing so and such notice shall
23 include the date on which it is intended the operating coal mine
24 will be established or reestablished. Any person who serves such
25 notice of an intention to establish or reestablish an operating
26 coal mine under this subsection, without intending in good faith
27 to establish or reestablish such mine, shall be liable for
28 continuing damages to any storage operator injured by the
29 serving of such improper notice and shall be guilty of a
30 misdemeanor under this chapter and subject to the same penalties

1 as set forth in section 505.

2 Section 303. General gas storage reservoir operations.

3 (a) Any person who operates or proposes to operate a storage
4 reservoir, except one that is filled by the secondary recovery
5 or gas recycling process, shall:

6 (1) Use every known method which is reasonable under the
7 circumstances for discovering and locating all wells which
8 have or may have been drilled into or through the storage
9 reservoir.

10 (2) Plug or recondition in the manner provided in
11 regulations of the department pursuant to this act all known
12 wells, except to the extent otherwise provided in subsections
13 (b) and (c), drilled into or through the storage reservoir.

14 (b) In order to meet the requirements of subsection (a),
15 wells which are to be plugged shall be plugged in the manner
16 specified in section 210. When a well located within the storage
17 reservoir area has been plugged prior to the enactment of this
18 act and on the basis of the data, information and other evidence
19 submitted to the department, it is determined that such plugging
20 was done in the manner required in section 210 or in a manner
21 approved as an alternative method in accordance with section 211
22 and the plugging is still sufficiently effective to meet the
23 requirements of this act, the obligations imposed by subsection
24 (a) as to plugging the well shall be considered fully satisfied.

25 (c) In order to meet the requirements of subsection (a),
26 wells which are to be reconditioned shall, unless the department
27 by regulation specifies a different procedure, be cleaned out
28 from the surface through the storage horizon and the producing
29 casing and such other casing strings which are determined not to
30 be in good physical condition shall be replaced with new casing

1 using the same procedure as is applicable to drilling a new well
2 as provided for in this act. In the case of wells to be used for
3 gas storage, the annular space between each string of casing and
4 the annular space behind the largest diameter casing to the
5 extent possible shall be filled to the surface with cement or
6 bentonitic mud or such nonporous material as is approved by the
7 department pursuant to section 211. At least 15 days prior to
8 the time when a well is to be reconditioned, the storage
9 operator shall give notice thereof to the department, setting
10 forth in such notice the manner in which it is planned to
11 recondition such well and any pertinent data known to the
12 storage operator which will indicate the then existing condition
13 of such well. In addition, the storage operator shall give the
14 department at least 72 hours' notice of the time when such
15 reconditioning is to begin. If no objections are raised by the
16 department within ten days, the storage operator may proceed
17 with the reconditioning in accordance with the plan as
18 submitted. If any objections are made by the department, it may
19 fix a time and place for a conference in accordance with section
20 501 at which conference the storage operator and the department
21 shall endeavor to agree upon a plan of reconditioning which
22 meets the requirements herein and which will satisfy such
23 objections. If no plan is approved at such conference, the
24 department may, by an appropriate order, determine whether the
25 plan as submitted meets the requirements set forth herein or
26 what changes, if any, should be made to meet such requirements.
27 If, in reconditioning a well in accordance with said plan,
28 physical conditions are encountered which justify or necessitate
29 a change in said plan, the storage operator may request that the
30 plan be changed. If the request is denied, the department shall

1 arrange for a conference in accordance with section 501 to
2 determine the matter in the same manner as set forth herein in
3 connection with original objections to said plan. Applications
4 may be made to the department in the manner prescribed in
5 section 211 for approval of an alternative method of
6 reconditioning a well. When a well located within the storage
7 reservoir has been reconditioned prior to the enactment of this
8 chapter or was so drilled and equipped previously and on the
9 basis of the data, information and other evidence submitted to
10 the department, it is determined that:

11 (1) Such conditioning or previous drilling and equipping
12 was done in the manner required in this subsection or in
13 regulations promulgated hereunder or in a manner approved as
14 an alternative method in accordance with section 211.

15 (2) Such reconditioning or previous drilling and
16 equipping is still sufficiently effective to meet the
17 requirements of this act, the obligations imposed by
18 subsection (a), as to reconditioning said well, shall be
19 considered fully satisfied. Where a well requires emergency
20 repairs, this subsection shall not be construed to require
21 the storage operator to give the notices specified herein
22 before making such repairs.

23 (d) The requirements of subsection (a) shall not apply to
24 the injection of gas into any stratum when the sole purpose of
25 such injection, such purpose being herein referred to as
26 testing, is to determine whether the said stratum is suitable
27 for storage purposes. Testing shall be conducted only in
28 compliance with the following requirements:

29 (1) The person testing or proposing to test shall comply
30 with all of the provisions and requirements of section 301

1 and shall verify the statement required to be filed thereby.

2 (2) The storage operator shall give at least six months'
3 written notice to the department of the fact that injection
4 of gas for testing purposes is proposed.

5 (3) If the department shall have any objections, it
6 shall fix a time and place for a conference in accordance
7 with section 501, not more than ten days from the date of
8 notice to the storage operator, at which conference the
9 storage operator and the department shall attempt to agree on
10 the questions involved. If such agreement cannot be reached
11 at such conference, the department may issue an appropriate
12 order.

13 (e) If, in any proceeding under this act, the department
14 shall determine that any operator of a storage reservoir has
15 failed to carry out any lawful order issued under this act, it
16 shall have authority to require such storage operator to suspend
17 the operation of such reservoir and to withdraw the gas
18 therefrom until such violation is remedied. In such an event the
19 gas shall be withdrawn under the following conditions: the
20 storage operator shall remove the maximum amount of gas which is
21 required by the department to be removed from the storage
22 reservoir that can be withdrawn in accordance with recognized
23 engineering and operating procedures and shall proceed with due
24 diligence insofar as existing facilities used to remove gas from
25 the reservoir will permit.

26 (f) In addition to initial compliance with the other
27 provisions of this act and any lawful orders issued thereunder,
28 it shall be the duty, at all times, of the person owning or
29 operating any storage reservoir which is subject to the
30 provisions of this chapter, to keep all wells drilled into or

1 through the storage reservoir in such condition and to operate
2 the same in such manner as to prevent the escape of gas
3 therefrom and to operate and maintain such storage reservoir and
4 its facilities in such manner as prescribed by regulation of the
5 department and at such pressures as will prevent gas from
6 escaping from such reservoir or its facilities, but in no case
7 shall such pressure exceed the highest rock pressure found to
8 have existed during the production history of the reservoir or
9 such other high pressure as the department may approve after
10 conference under section 501 based upon geological and
11 production knowledge of the reservoir, its character,
12 permeability distribution and operating experience. This duty
13 shall not be construed to include the inability to prevent the
14 escape of gas where such escape results from an act of God or an
15 act of any person not under the control of the storage operator
16 other than in connection with any well which the storage
17 operator has failed to locate and to make known to the
18 department. If any escape of gas does result from an act of God
19 or an act of any person not under the control of the storage
20 operator, the storage operator shall be under the duty of taking
21 such action thereafter as is reasonably necessary to prevent
22 further escape of gas.

23 Section 304. Gas storage reservoir operations in coal areas.

24 (a) Any person who operates a storage reservoir which
25 underlies or is within 2,000 linear feet of an operating coal
26 mine which is operating in a coal seam that extends over the
27 storage reservoir or the reservoir protective area shall:

28 (1) Use every known method which is reasonable under the
29 circumstances for discovering and locating all wells which
30 have or may have been drilled into or through the storage

1 stratum in that acreage which is within the outside coal
2 boundaries of such operating coal mine and which overlies the
3 storage reservoir or the reservoir protective area.

4 (2) Plug or recondition in the manner provided by
5 section 210 and subsection (e), all known wells, except to
6 the extent otherwise provided in subsections (e), (f), (g)
7 and (h), drilled into or through the storage stratum and
8 which are located within that portion of the acreage of the
9 operating coal mine overlying the storage reservoir or the
10 reservoir protective area, however, where objection is raised
11 as to the use of any well as a storage well and after a
12 conference in accordance with section 501, it is determined
13 by the department, taking into account all the circumstances
14 and conditions that such well should not be used as a storage
15 well, such well shall be plugged, unless, in the opinion of
16 the storage operator, the well to which such objection has
17 been raised may at some future time be used as a storage
18 well, the storage operator may recondition and inactivate
19 such well instead of plugging it if such alternative is
20 approved by the department after taking into account all of
21 the circumstances and conditions.

22 The requirements of paragraph (2) shall be deemed to have
23 been fully complied with if, as the operating coal mine is
24 extended, all wells which from time to time come within the
25 acreage described in paragraph (2) are reconditioned or plugged
26 as provided in subsection (e) or (f) and in section 210 so that
27 by the time the coal mine has reached a point within 2,000
28 linear feet of any such wells, they will have been reconditioned
29 or plugged so as to meet the requirements of subsection (e) or
30 (f) and of section 210.

1 (b) Any person operating a storage reservoir referred to in
2 subsection (a) shall file with the department and furnish a copy
3 to the person operating the affected operating coal mine a
4 verified statement setting forth:

5 (1) That the map and any supplemental maps required by
6 section 301(a) have been prepared and filed in accordance
7 with section 301.

8 (2) A detailed explanation of what the storage operator
9 has done to comply with the requirements of subsection (a)(1)
10 and (2) and the results thereof.

11 (3) Such additional efforts, if any, as the storage
12 operator is making and intends to make to locate all wells.

13 (4) Any additional wells that are to be plugged or
14 reconditioned to meet the requirements of subsection (a)(2).

15 If such statement is not filed by the storage reservoir
16 operator within the time specified herein, the department may
17 order such operator to file such statement.

18 (c) Within 120 days after the receipt of any such statement,
19 the department may direct that a conference be held in
20 accordance with section 501 to determine whether the information
21 as filed indicates that the requirements of section 301 and of
22 subsection (a) have been fully complied with. At such
23 conference, if any person shall be of the opinion that such
24 requirements have not been fully complied with, the parties
25 shall attempt to agree on what additional things are to be done
26 and the time within which they are to be completed, subject to
27 the approval of the department to meet the said requirements.

28 If such agreement cannot be reached, the department shall
29 determine whether the requirements of section 301 and of
30 subsection (a) have been met. If the department shall determine

1 that any of the said requirements have not been met, the
2 department shall issue an order which shall specify in detail
3 both the extent to which such requirements have not been met and
4 the things which the storage operator must do to meet such
5 requirements. The order shall grant to the storage operator such
6 time as is reasonably necessary to complete each of the things
7 which he is directed to do. If, in carrying out said order, the
8 storage operator encounters conditions which were not known to
9 exist at the time of the issuance of the order and which
10 materially affect the validity of said order or the ability of
11 the storage operator to comply with the order, the storage
12 operator may apply for a rehearing or modification of said
13 order.

14 (d) Whenever in compliance with subsection (a), a storage
15 operator, after the filing of the statement provided for in
16 subsection (b), plugs or reconditions a well, he shall so notify
17 the department and the coal operator affected, in writing,
18 setting forth such facts as will indicate the manner in which
19 the plugging or reconditioning was done. Upon receipt thereof,
20 the coal operator affected or the department may request a
21 conference in accordance with section 501.

22 (e) In order to meet the requirements of subsection (a),
23 wells which are to be plugged shall be plugged in the manner
24 specified in regulations promulgated pursuant to section 201.
25 When a well, located within the storage reservoir or the
26 reservoir protective area, has been plugged prior to the
27 enactment of this act and on the basis of the data information
28 and other evidence submitted to the department, it is determined
29 that such plugging was done in the manner required in section
30 210, or in a manner approved as an alternative method in

1 accordance with section 211, and said plugging is still
2 sufficiently effective to meet the requirements of this act, the
3 obligations imposed by subsection (a) as to plugging said well
4 shall be considered fully satisfied.

5 (f) In order to meet the requirements of subsection (a),
6 wells which are to be reconditioned shall, unless the department
7 by regulation specifies a different procedure, be cleaned out
8 from the surface through the storage horizon and the following
9 casing strings shall be pulled and replaced with new casing,
10 using the same procedure as is applicable to drilling a new well
11 as provided for in this act, the producing casing, the largest
12 diameter casing passing through the lowest workable coal seam
13 unless such casing extends at least 25 feet below the bottom of
14 such coal seam and is determined to be in good physical
15 condition, but the storage operator may, instead of replacing
16 the largest diameter casing, replace the next largest casing
17 string if such casing string extends at least 25 feet below the
18 lowest workable coal seam and such casing strings which are
19 determined not to be in good physical condition. In the case of
20 wells to be used for gas storage, the annular space between each
21 string of casing and the annular space behind the largest
22 diameter casing to the extent possible, shall be filled to the
23 surface with cement or bentonitic mud or such equally nonporous
24 material as is approved by the department pursuant to section
25 211. At least 15 days prior to the time when a well is to be
26 reconditioned, the storage operator shall give notice thereof to
27 the coal operator, lessee or owner and to the department,
28 setting forth in such notice the manner in which it is planned
29 to recondition such well and any pertinent data known to the
30 storage operator which will indicate the then existing condition

1 of such well. In addition, the storage operator shall give the
2 coal operator, lessee or owner and the department at least 72
3 hours' notice of the date and time when reconditioning is to
4 begin. The coal operator, lessee or owner shall have the right
5 to file, within ten days after the receipt of the first notice
6 required herein, objections to the plan of reconditioning as
7 submitted by the storage operator. If no such objections are
8 filed or if none is raised by the department, within such ten-
9 day period, the storage operator may proceed with the
10 reconditioning in accordance with the plan as submitted. If any
11 such objections are filed or are made by the department, it
12 shall fix a time and place for a conference in accordance with
13 section 501, at which conference the storage operator and the
14 person who has filed such objections shall endeavor to agree
15 upon a plan of reconditioning which meets the requirements
16 herein and which will satisfy such objections. If no plan is
17 approved at such conference, the department shall, by an
18 appropriate order, determine whether the plan as submitted meets
19 the requirements set forth herein or what changes, if any,
20 should be made to meet such requirements. If, in reconditioning
21 a well in accordance with said plan, physical conditions are
22 encountered which justify or necessitate a change in said plan,
23 the storage operator or the coal operator may request that the
24 plan be changed. If said parties cannot agree upon such change,
25 the department shall arrange for a conference to determine the
26 matter in the same manner as set forth herein in connection with
27 original objections to said plan. Application may be made to the
28 department in the manner prescribed in section 211 for approval
29 of an alternative method of reconditioning a well. When a well
30 located within the storage reservoir or the reservoir protective

1 area has been reconditioned prior to the enactment of this act,
2 or was so drilled and equipped previously and on the basis of
3 the data, information and other evidence submitted to the
4 department, it is determined either that:

5 (1) such reconditioning or previous drilling and
6 equipping was done in the manner required in this subsection,
7 or in regulations promulgated hereunder, or in a manner
8 approved as an alternative method in accordance with section
9 211; or

10 (2) such reconditioning or previous drilling and
11 equipping is still sufficiently effective to meet the
12 requirements of this act, the obligations imposed by
13 subsection (a) as to reconditioning said well shall be
14 considered fully satisfied. Where a well requires emergency
15 repairs, this subsection shall not be construed to require
16 the storage operator to give the notices specified herein
17 before making such repairs.

18 (g) When a well located within the reservoir protective area
19 is a producing well in a stratum below the storage stratum, the
20 obligations imposed by subsection (a) shall not begin until such
21 well ceases to be a producing well.

22 (h) When a well within a storage reservoir or the reservoir
23 protective area penetrates the storage stratum but does not
24 penetrate the coal seam being mined by an operating coal mine,
25 the department may, upon application of the operator of such
26 storage reservoir, exempt such well from the requirements of
27 this section. Either party affected may request a conference
28 with respect to the exemption of any such well in accordance
29 with section 501.

30 (i) In fulfilling the requirements of subsection (a)(2) with

1 respect to a well within the reservoir protective area, the
2 storage operator shall not be required to plug or recondition
3 such well until he has received from the coal operator written
4 notice that the mine workings will, within the period stated in
5 such notice, be within 2,000 linear feet of such well. Upon the
6 receipt of such notice, the storage operator shall use due
7 diligence to complete the plugging or reconditioning of such
8 well in accordance with the requirements of this section and of
9 section 210. If the said mine workings do not, within a period
10 of three years after said well has been plugged, come within
11 2,000 linear feet of said well, the coal operator shall
12 reimburse the storage operator for the cost of said plugging,
13 provided such well is still within the reservoir protective area
14 as of that time.

15 (j) When retreat mining approaches a point, where within 90
16 days, it is expected that such retreat work will be at the
17 location of the pillar surrounding an active storage well, the
18 coal operator shall give written notice of such approach to the
19 storage operator and by agreement said parties shall determine
20 whether it is necessary or advisable to inactivate effectively
21 said well temporarily. The well shall not be reactivated until a
22 reasonable period has elapsed, such reasonable period to be
23 determined by said parties. In the event that said parties
24 cannot agree upon either of the foregoing matters, such question
25 shall be submitted to the department for a decision. The number
26 of wells required to be temporarily inactivated during the
27 retreat period shall not be such as to materially affect the
28 efficient operation of such storage pool. This provision shall
29 not preclude the temporary inactivation of a particular well
30 where the practical effect of inactivating such well is to

1 render the pool temporarily inoperative.

2 (k) The requirements of subsections (a), (l) and (m) shall
3 not apply to the injection of gas into any stratum when the
4 whole purpose of such injection, such purpose being herein
5 referred to as testing, is to determine whether the said stratum
6 is suitable for storage purposes. Testing shall be conducted
7 only in compliance with the following requirements:

8 (1) The person testing or proposing to test shall comply
9 with all of the provisions and requirements of section 301
10 and shall verify the statement required to be filed thereby.

11 (2) If any part of the proposed storage reservoir is
12 under or within 2,000 linear feet of an operating coal mine
13 which is operating in a coal seam that extends over the
14 proposed storage reservoir or the reservoir protective area,
15 the storage operator shall give at least six months' written
16 notice to the department and to the coal operator of the fact
17 that injection of gas for testing purposes is proposed.

18 (3) The coal operator affected may, at any time, file
19 objections with the department and the department shall fix a
20 time and place for a conference in accordance with section
21 501, not more than ten days from the date of the notice to
22 the storage operator, at which conference the storage
23 operator and the person who has filed such objections shall
24 attempt to agree, subject to the approval of the department,
25 on the questions involved. If such agreement cannot be
26 reached at such conference, the department may issue an
27 appropriate order.

28 (4) Where, at any time, a proposed storage reservoir
29 being tested comes under or within 2,000 linear feet of an
30 operating coal mine, either because of the extension of the

1 storage reservoir being tested or because of the extension or
2 establishment or reestablishment of the operating coal mine,
3 then and at the time of any such event, the requirements of
4 this subsection shall become applicable to such testing.

5 (l) Any person who proposes to establish a storage reservoir
6 under or within 2,000 linear feet of an operating coal mine
7 which is operating in a coal seam that extends over the storage
8 reservoir or the reservoir protective area shall, prior to
9 establishing such reservoir in addition to complying with the
10 requirements of section 301 and subsection (a), file the
11 verified statement required by subsection (b) and fully comply
12 with such order or orders, if any, as the department may issue
13 in the manner provided for under subsection (b) or (c) before
14 beginning the operation of such storage reservoir. After the
15 person proposing to operate such storage reservoir shall have
16 complied with such requirements and shall have thereafter begun
17 to operate such reservoir, he shall continue to be subject to
18 all of the provisions of this chapter.

19 (m) When a gas storage reservoir is in operation on the
20 effective date of this act and at any time thereafter, it is
21 under or within 2,000 linear feet of an operating coal mine, or,
22 when a gas storage reservoir is put in operation after the
23 effective date of this act and at any time after such storage
24 operations begin, it is under or within 2,000 linear feet of an
25 operating coal mine, then and in either such event, the storage
26 operator shall comply with all of the provisions of this
27 section, except that the time for filing the verified statement
28 under subsection (b) shall be 60 days after the date stated in
29 the notice filed by the coal operator under section 302(d) and
30 (e), the coal operator shall give notice of such delay to the

1 department and the department shall, upon the request of the
2 storage operator, extend the time for filing such statement by
3 the additional time which will be required to extend or
4 establish or reestablish such operating coal mine to a point
5 within 2,000 linear feet of such reservoir. Such verified
6 statement shall also indicate that the map referred to in
7 section 301(a) has been currently amended as of the time of the
8 filing of such statement. The person operating any such storage
9 reservoir shall continue to be subject to all of the provisions
10 of this chapter.

11 (n) If, in any proceeding under this act, the department
12 shall determine that any operator of a storage reservoir has
13 failed to carry out any lawful order issued under this act, the
14 department shall have authority to require such storage operator
15 to suspend the operation of such reservoir and to withdraw the
16 gas therefrom until such violation is remedied. In such an
17 event, the gas shall be withdrawn under the following
18 conditions: the storage operator shall remove the maximum amount
19 of gas which is required by the department to be removed from
20 the storage reservoir that can be withdrawn in accordance with
21 recognized engineering and operating procedures and shall
22 proceed with due diligence insofar as existing facilities used
23 to remove gas from the reservoir will permit.

24 (o) In addition to initial compliance with the other
25 provisions of this act and any lawful orders issued thereunder,
26 it shall be the duty, at all times, of the person owning or
27 operating any storage reservoir which is subject to the
28 provisions of this chapter, to keep all wells drilled into or
29 through the storage stratum in such condition and to operate the
30 wells in such manner as to prevent the escape of gas out of the

1 storage reservoir and its facilities and to operate and maintain
2 such storage reservoir and its facilities in such manner as
3 prescribed by regulation of the department and at such pressures
4 as will prevent gas from escaping from such reservoir or its
5 facilities. This duty shall not be construed to include the
6 inability to prevent the escape of gas where such escape results
7 from an act of God or an act of any person not under the control
8 of the storage operator other than in connection with any well
9 which the storage operator has failed to locate and to make
10 known to the department. If any escape of gas does result from
11 an act of God or an act of any person not under the control of
12 the storage operator, the storage operator shall be under the
13 duty of taking such action thereafter as is reasonably necessary
14 to prevent further escape of gas out of the storage reservoir
15 and its facilities.

16 Section 305. Inspection of facilities and records.

17 (a) The person operating any storage reservoir affected by
18 the terms of this act shall, at all reasonable times, be
19 permitted to inspect the applicable records and facilities of
20 any coal mine overlying such storage reservoir or the reservoir
21 protective area and the person operating any such coal mine
22 affected by the terms of this act shall, similarly at all
23 reasonable times, be permitted to inspect the applicable records
24 and facilities of any such storage reservoir underlying any such
25 coal mine.

26 (b) In the event that either such storage operator or coal
27 operator shall refuse to permit any such inspection of records
28 or facilities, the department may, on its own motion or on
29 application of the party seeking the inspection after reasonable
30 written notice and a hearing thereon, if requested by either of

1 the parties affected, make an order for such inspection.

2 Section 306. Reliance on maps; burden of proof.

3 (a) In determining whether a particular coal mine or
4 operating coal mine is or will be within any distance material
5 under this act from any storage reservoir, the owner or operator
6 of such coal mine and the storage operator may rely on the most
7 recent map of the storage reservoir or coal mine filed by the
8 other with the department.

9 (b) Where the accuracy of any map or data filed by any
10 person pursuant to the requirements of this act is in issue, the
11 person filing the same shall, at the request of the objecting
12 party, be required to disclose the information and method used
13 in compiling such map and data and such information as is
14 available to such person that might affect the current validity
15 of such map or data. If any material question is raised as to
16 the accuracy of such map or data with respect to any particular
17 matter or matters contained therein, the person filing such map
18 or data shall then have the burden of proving the accuracy of
19 the map or data with respect to such matter or matters.

20 Section 307. Exemptions.

21 (a) The provisions of this chapter shall not apply to the
22 following types of coal mines:

23 (1) Strip mines and auger mines operating from the
24 surface.

25 (2) Mines to which the provisions of the act of June 9,
26 1911 (P.L.756, No.319), entitled "An act to provide for the
27 health and safety of persons employed in and about the
28 bituminous coal-mines of Pennsylvania, and for the protection
29 and preservation of property connected therewith," did not
30 apply as provided in section 3 of Article XXVIII thereof, and

1 mines to which the provisions of the act of June 2, 1891
2 (P.L.176, No.177), entitled "An act to provide for the health
3 and safety of persons employed in and about the anthracite
4 coal mines of Pennsylvania and for the protection and
5 preservation of property connected therewith," did not apply
6 as provided in section 1 of Article I thereof.

7 (b) Injection of gas for storage purposes in any workable
8 coal seam, whether or not such seam is being or has been mined,
9 shall be prohibited. Nothing in this chapter shall be construed
10 to prohibit the original extraction of natural gas, crude oil or
11 coal.

12 (c) Nothing contained in this chapter shall apply to the
13 storage of gas or liquids in storage reservoirs excavated in
14 rock formations specifically for storage purposes.

15 CHAPTER 4

16 EMINENT DOMAIN

17 Section 401. Appropriation of interest in real properties.

18 (a) Any and all corporations empowered to transport, sell or
19 store, natural or manufactured gas, within this Commonwealth,
20 shall have the right, subject to the following limitations, to
21 appropriate interests in real property located within the
22 storage reservoir and the reservoir protective area, for the
23 injection, storage and removal from storage of natural or
24 manufactured gas in any stratum which is or previously has been
25 commercially productive of natural gas. The right of eminent
26 domain shall not be exercised to acquire for the purpose of gas
27 storage:

28 (1) any interest in any geological stratum within the
29 area of the proposed storage reservoir and the reservoir
30 protective area, unless the original recoverable oil or gas

1 reserves within such proposed storage reservoir have been
2 depleted or exhausted by at least 80% and unless and until
3 the condemnor shall have acquired the right by grant, lease
4 or other agreement to store gas in the said geological
5 stratum underlying at least 75% of the area of the proposed
6 storage reservoir; or

7 (2) any interest in any geological stratum within the
8 area of the proposed storage reservoir and the reservoir
9 protective area owned directly or indirectly by a gas company
10 or by a person engaged in the local distribution of natural
11 gas which interest is being used by such gas company or by
12 such person for present storage of gas in the performance of
13 service to customers within its service area.

14 (b) This act shall be construed to authorize appropriation
15 within the storage reservoir and the reservoir protective area
16 of the stratum to be used for storage, any gas reserve remaining
17 therein and any active or abandoned well or wells drilled into
18 said stratum and further to authorize the appropriation within
19 the storage reservoir and the reservoir protective area of the
20 right to enter upon and use the surface of lands for the purpose
21 of locating, reconditioning, maintaining, plugging or replugging
22 any active or abandoned wells or operating any wells drilled
23 into or through said storage stratum. This act shall not be
24 construed, however, to preclude the owner of nonstorage strata
25 from the drilling of wells for the purpose of producing oil or
26 gas from any stratum above or below the storage stratum
27 appropriated by such corporation, but the corporation
28 appropriating or holding storage rights shall have access to and
29 the right to inspect and examine any such drilling or completed
30 well and the drilling logs and all other records relating to the

1 drilling, equipping or operating of such well for the purpose of
2 determining whether the storage stratum is being adequately
3 protected to prevent the escape of gas stored therein. This act
4 shall not authorize the appropriation of any coal or coal
5 measure whether or not being mined or any interest therein.

6 (c) Any person drilling, operating, using or plugging any
7 well through any stratum which has been appropriated under this
8 act shall so drill, case, equip, operate or plug the same as to
9 prevent any avoidable escape of gas that may be stored in the
10 storage stratum. Upon failure, neglect or refusal of such person
11 or persons to comply with this section, the court of common
12 pleas of the county in which the tract of land is situated shall
13 have the power to compel compliance by injunction or to grant
14 other appropriate relief upon action brought by the corporations
15 storing gas in the storage stratum.

16 (d) Prior to any appropriation, the corporation shall
17 attempt to agree with the owner or owners of the interests in
18 real property involved as to the damage properly payable for the
19 property rights or interests to be appropriated in or on his,
20 her or their property, if such owner or owners can be found and
21 are sui juris. Failing to agree, the corporation shall tender to
22 the property owner or owners a surety bond to secure him, he or
23 them in the payment of damages. If the owner or owners refuse to
24 accept said bond or cannot be found or are not sui juris, said
25 bond, after reasonable notice to the property owner or owners by
26 advertisement or otherwise, shall then be presented for approval
27 to the court of common pleas of the county in which the tract of
28 land is situated. Upon the approval of the bond and its being
29 filed in said court, the right of the corporation to enter upon
30 the enjoyment of the powers given it by this act to store gas

1 and to enter on the property for the purpose of locating,
2 reconditioning, maintaining, plugging or replugging any active
3 or abandoned wells or operating any wells drilled into or
4 through said storage stratum within the storage reservoir
5 boundary or within the reservoir protective area shall be
6 complete.

7 (e) Upon petition of either the property owner or owners or
8 the corporation exercising the right of eminent domain
9 hereunder, said court shall appoint three disinterested
10 freeholders of the county to serve as viewers to assess the
11 damages proper to be paid to the property owner or owners for
12 the rights appropriated by said corporation and shall fix a time
13 for their meeting of which notice shall be given to both
14 parties. After the viewers have filed their report with the
15 court, said court shall fix reasonable compensation for the
16 service of said viewers.

17 (f) Either party may appeal from the report of the viewers
18 within 20 days after the filing thereof with the court of common
19 pleas and have a jury trial and the right of appeal as in
20 ordinary cases.

21 (g) Nothing contained in this section shall relieve the
22 person operating a storage reservoir from the requirements of
23 this act.

24 CHAPTER 5

25 ENFORCEMENT AND REMEDIES

26 Section 501. Conferences.

27 (a) The department or any person having a direct interest in
28 the subject matter of this act may, at any time, request that a
29 conference be held for the purpose of discussing and endeavoring
30 to resolve by mutual agreement any matter arising under the

1 provisions of this act. Unless otherwise provided, conferences
2 shall be held within 90 days after a request for a conference is
3 received by the department, and notice of any such conference
4 shall be given by the department to all such interested parties.
5 At such conference a representative of the department shall be
6 in attendance and the department may make such recommendations
7 as it deems appropriate. Any agreement reached at such
8 conference shall be consistent with the requirements of this act
9 and, if approved by such representative of the department, it
10 shall be reduced to writing and shall be effective, unless
11 reviewed and rejected by the department within ten days after
12 the close of the conference. The record of any such agreement
13 approved by the department shall be kept on file by the
14 department with copies furnished to the parties. Scheduling of a
15 conference shall not affect the authority of the department to
16 issue an appropriate order to compel compliance with this act.

17 (b) Whenever a coal operator is to be given notice by the
18 department of any proceeding to be held under this section, the
19 department shall also send simultaneously a copy of such notice
20 to the collective bargaining representative of the employees of
21 the coal operator.

22 Section 502. Public nuisances.

23 A violation of section 206, 207, 208, 209 or 210, or of a
24 rule, regulation, order or term or condition of any permit
25 relating thereto, shall constitute a public nuisance.

26 Section 503. Enforcement orders.

27 (a) Except as modified by subsections (b), (c) and (d), the
28 department shall have the authority to issue such orders as are
29 necessary to aid in the enforcement of the provisions of this
30 act. An order issued under this act shall take effect upon

1 notice, unless the order specifies otherwise. The power of the
2 department to issue an order under this act is in addition to
3 any other remedy which may be afforded to the department
4 pursuant to this act or any other act.

5 (b) The department shall have the authority to suspend or
6 revoke a well permit or well registration pursuant to this
7 section for any well in continuing violation of this act, the
8 act of June 22, 1937 (P.L.1987, No.394), known as The Clean
9 Streams Law, the act of July 7, 1980 (P.L.380, No.97), known as
10 the Solid Waste Management Act, or other statutes administered
11 by the department, or any rule or regulation promulgated
12 thereunder. The right of the department to revoke a permit or
13 registration under this subsection shall not be effective until
14 a final administrative determination has been made of any such
15 violation and no appeal is pending in which a stay has been
16 granted. Any suspension order of the department shall
17 automatically terminate if the violation upon which it is based
18 is corrected by the operator so as to bring the well into
19 compliance with this act.

20 (c) Prior to the suspension or revocation of a well permit
21 or registration, the department shall serve written notice upon
22 the well operator or its agent of the intention of the
23 department to suspend or revoke and shall state with specificity
24 the statutory provisions, appropriate rule or regulation or
25 other reason and the factual circumstances which surround the
26 violation upon which the suspension or revocation is to be
27 based. The well operator shall have 15 days to request a
28 conference with the department to give such cause why such
29 action should not be taken. Upon receipt of such written notice,
30 the department shall hold a conference and shall, within 15 days

1 thereafter, make a decision on whether to suspend or revoke the
2 well permit or registration. The department shall provide
3 written notice of its decision to the well operator or its
4 agent, which shall become effective upon receipt thereof.

5 (d) Any order of the department requiring the immediate
6 cessation of drilling operations shall only be effective if
7 authorized by the Secretary of the department or by the Deputy
8 Secretary for Environmental Protection.

9 (e) Any person who shall be aggrieved by an order of the
10 department issued under this section shall have the right,
11 within 30 days of receipt of the notice thereof, to appeal the
12 action to the Environmental Hearing Board in accordance with
13 section 1921(a) of the act of April 9, 1929 (P.L.177, No.175),
14 known as The Administrative Code of 1929.

15 Section 504. Restraining violations.

16 (a) In addition to any other remedies provided in this act,
17 the department may institute a suit in equity in the name of the
18 Commonwealth where a violation of law or nuisance exists for an
19 injunction to restrain a violation of this act or the rules,
20 regulations, standards or orders adopted or issued thereunder
21 and to restrain the maintenance or threat of a public nuisance.
22 In any such proceeding, the court shall, upon motion of the
23 Commonwealth, issue a prohibitory or mandatory preliminary
24 injunction if it finds that the defendant is engaging in
25 unlawful conduct as defined by this act or is engaged in conduct
26 which is causing immediate and irreparable harm to the public.
27 The Commonwealth shall not be required to furnish bond or other
28 security in connection with such proceedings. In addition to an
29 injunction, the court in such equity proceedings, may level
30 civil penalties as specified in section 506.

1 (b) In addition to any other remedies provided for in this
2 act, upon relation of any district attorney of any county
3 affected, or upon relation of the solicitor of any municipality
4 affected, an action in equity may be brought in a court of
5 competent jurisdiction for an injunction to restrain any and all
6 violations of this act or the rules and regulations promulgated
7 hereunder, or to restrain any public nuisance or detriment to
8 health.

9 (c) The penalties and remedies prescribed by this act shall
10 be deemed concurrent and the existence of or exercise of any
11 remedy shall not prevent the department from exercising any
12 other remedy hereunder, at law or in equity.

13 (d) Actions instituted under this section may be filed in
14 the appropriate court of common pleas or in the Commonwealth
15 Court, which courts are hereby granted jurisdiction to hear such
16 actions.

17 Section 505. Penalties.

18 (a) Any person who violates any provisions of the act is
19 guilty of a summary offense and, upon conviction thereof, shall
20 be sentenced to pay a fine of not more than \$300 or undergo
21 imprisonment of not more than 90 days, or both. Each day's
22 continuance of such violation shall be a separate and distinct
23 offense.

24 (b) Any person who willfully violates any provisions of this
25 act or any order of the department issued pursuant to the
26 provisions of this act is guilty of a misdemeanor and, upon
27 conviction thereof, shall be sentenced to pay a fine of not more
28 than \$5,000, or undergo imprisonment of not more than one year,
29 or both. Each day's continuance of such violation shall be a
30 separate distinct offense.

1 (c) The department shall have the authority to institute
2 prosecutions against any person or municipality under this act.
3 Section 506. Civil penalties.

4 In addition to proceeding under any other remedy available at
5 law or in equity for a violation of a provision of this act or a
6 rule or regulation of the department or any order of the
7 department, the Environmental Hearing Board, after hearing, may
8 assess a civil penalty upon a person for such violation. Such a
9 penalty may be assessed whether or not the violation was
10 willful. The civil penalty so assessed shall not exceed \$25,000,
11 plus \$1,000 for each day of continued violation. In determining
12 the amount of the civil penalty, the board shall consider the
13 willfulness of the violation, damage or injury to the natural
14 resources of the Commonwealth or their uses, endangerment of the
15 safety of others, costs of remedying the harm, savings resulting
16 to the person in consequence of such violation and other
17 relevant factors. It shall be payable to the Commonwealth and
18 shall be collectible in any manner provided at law for the
19 collection of debts. If any person liable to pay any such
20 penalty neglects or refuses to pay the same after demand, the
21 amount, together with interest and any costs that may accrue,
22 shall be a lien in favor of the Commonwealth upon the property,
23 both real and personal, of such person but only after same has
24 been entered and docketed of record by the prothonotary of the
25 county where such is situated. The board may, at any time,
26 transmit to the prothonotaries of the respective counties
27 certified copies of all such liens and it shall be the duty of
28 each prothonotary to enter and docket the same of record in his
29 office and to index the same as judgments are indexed, without
30 requiring the payment of costs as a condition precedent to the

1 entry thereof.

2 Section 507. Existing rights and remedies preserved;

3 cumulative remedies authorized.

4 Nothing in this act shall be construed as estopping the
5 Commonwealth or any district attorney from proceeding in courts
6 of law or equity to abate pollution forbidden under this act or
7 abate nuisances under existing law. It is hereby declared to be
8 the purposes of this act to provide additional and cumulative
9 remedies to control activities related to drilling for or
10 production of oil and gas within the Commonwealth and nothing
11 contained in this act shall in any way abridge or alter rights
12 of action or remedies now or hereafter existing in equity, or
13 under the common law or statutory law, criminal or civil, nor
14 shall any provision in this act, or the granting of any permit
15 under this act, or any act done by virtue of this act, be
16 construed as estopping the Commonwealth in the exercise of its
17 rights under the common law or decisional law or in equity, from
18 proceeding in courts of law or equity to suppress nuisances, or
19 to abate any pollution now or hereafter existing or to enforce
20 common law or statutory rights. No courts of this Commonwealth
21 having jurisdiction to abate public or private nuisances shall
22 be deprived of such jurisdiction in any action to abate any
23 private or public nuisance instituted by any person for the
24 reasons that such nuisance constitutes air or water pollution.

25 Section 508. Production of materials; witnesses; depositions;

26 rights of entry.

27 (a) The department is authorized to make such inspections,
28 conduct such tests or sampling, or examine books, papers and
29 records pertinent to any matter under investigation pursuant to
30 this act as it deems necessary to determine compliance with this

1 act and for this purpose, the duly authorized agents and
2 employees of the department are authorized at all reasonable
3 times to enter and examine any property, facility, operation or
4 activity.

5 (b) The owner, operator or other person in charge of such
6 property, facility, operation or activity, upon presentation of
7 proper identification and purpose for inspection by the agents
8 or employees of the department, shall give such agents and
9 employees free and unrestricted entry and access, and upon
10 refusal to grant such entry or access, the agent or employee may
11 obtain a search warrant or other suitable order authorizing such
12 entry and inspection. It shall be sufficient probable cause to
13 issue a search warrant authorizing such examination and
14 inspection if there is probable cause to believe that the object
15 of the investigation is subject to regulation under this act,
16 and access, examination or inspection is necessary to enforce
17 the provisions of this act.

18 (c) The department shall have the power in any part of the
19 Commonwealth to subpoena witnesses, to administer oaths, examine
20 witnesses or to take such testimony or compel the production of
21 such books, records, maps, plats, papers, documents and other
22 writings as it may deem necessary or proper in and pertinent to
23 any proceedings or investigation held or had by it. In case of
24 refusal to obey any subpoena served upon any person, any court
25 shall, on application of the department, have power to enforce
26 such subpoenas in contempt proceedings. The fees for serving a
27 subpoena shall be the same as those paid sheriffs for similar
28 services.

29 (d) The department or any party to proceedings before the
30 department may cause the deposition of witnesses, residing

1 within or without the Commonwealth, to be taken in the manner
2 prescribed by law for taking depositions in civil actions.

3 (e) Witnesses who are summoned before the department shall
4 be paid the same fees as are paid to witnesses in the courts of
5 record of general jurisdiction. Witnesses whose depositions are
6 taken pursuant to the provisions of this act and the officers
7 taking the same shall be entitled to the same fees as are paid
8 for like services in such courts.

9 Section 509. Unlawful conduct.

10 It shall be unlawful for any person to:

11 (1) Drill, alter, operate or utilize an oil or gas well
12 without a permit or registration from the department as
13 required by this act or in violation of the rules or
14 regulations adopted under this act, or orders of the
15 department, or in violation of any term or condition of any
16 permit issued by the department.

17 (2) Conduct any activities related to drilling for, or
18 production of, oil and gas, contrary to the rules or
19 regulations adopted under this act, or orders of the
20 department, or any term or any condition of any permit, or in
21 any manner as to create a public nuisance or to adversely
22 affect the public health, safety, welfare or the environment.

23 (3) Refuse, obstruct, delay or threaten any agent or
24 employee of the department in the course of performance of
25 any duty under this act including, but not limited to, entry
26 and inspection under any circumstances.

27 (4) Attempt to obtain a permit by misrepresentation or
28 failure to disclose all relevant facts.

29 Section 510. Collection of fines and penalties.

30 All fines and penalties shall be collectible in any manner

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

14 Section 511. Third party liability.

15 Where a person other than the well operator as herein
16 defined, renders a service or product to a well or well site,
17 that person shall be jointly and severally liable with the well
18 owner or operator for violations of this act arising out of and
19 caused by his actions at the well or well site.

20 CHAPTER 6

21 MISCELLANEOUS PROVISIONS

22 Section 601. Well Plugging Restricted Revenue Account.

23 All fines, civil penalties, permit and registration fees
24 collected under this act shall be paid into the State Treasury
25 into a restricted revenue account to be known as the Well
26 Plugging Restricted Revenue Account, hereby established, which
27 shall be administered by the department for the plugging and
28 sealing of abandoned wells and to cover the purposes of
29 administering this act. All the moneys from time to time paid
30 into the Well Plugging Restricted Revenue Account are

1 specifically appropriated upon annual approval by the Governor
2 to the Department of Environmental Resources to carry out the
3 purposes of this act. To aid in the indemnification of the
4 Commonwealth for the cost of plugging abandoned wells, there
5 shall be added to the permit fee established by the department
6 under section 201 for new wells a \$50 surcharge. All moneys
7 deposited in this restricted revenue account from the surcharge
8 shall be expended by the department to plug abandoned wells
9 which threaten the health and safety of persons or property or
10 pollution of the waters of the Commonwealth.

11 Section 602. Local ordinances.

12 Except with respect to ordinances adopted pursuant to the act
13 of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania
14 Municipalities Planning Code and the act of October 4, 1978
15 (P.L.851, No.166), known as the Flood Plain Management Act, all
16 local ordinances and enactments purporting to regulate oil and
17 gas well operations regulated by this act are hereby superseded.
18 The Commonwealth, by this enactment, hereby preempts the
19 regulation of oil and gas wells as herein defined.

20 Section 603. Effect on department authority.

21 The provisions of this act shall not be construed to affect,
22 limit or impair any right or authority of the department under
23 the act of June 22, 1937 (P.L.1987, No.394), known as The Clean
24 Streams Law, the act of January 8, 1960 (1959 P.L.2119, No.787),
25 known as the Air Pollution Control Act, the act of November 26,
26 1978 (P.L.1375, No.325), known as the Dam Safety and
27 Encroachments Act and the act of July 7, 1980 (P.L.380, No.97),
28 known as the Solid Waste Management Act.

29 Section 604. Regulatory authority.

30 The Environmental Quality Board shall adopt regulations to

1 implement the provisions of this act.

2 Section 605. Severability.

3 The provisions of this act are severable. If any provision of
4 this act or its application to any person or circumstances is
5 held invalid, the invalidity shall not affect other provisions
6 or applications of this act which can be given effect without
7 the invalid provision or application.

8 Section 606. Repeals.

9 (a) The act of November 30, 1955 (P.L.756, No.225), known as
10 the Gas Operations Well-Drilling Petroleum and Coal Mining Act,
11 is repealed, except as to sections 204 and 206 which shall
12 remain in effect until final regulations specifying methods of
13 casing and plugging wells are adopted by the Environmental
14 Quality Board pursuant to this act.

15 (b) All acts and parts of acts are repealed insofar as they
16 are inconsistent with this act.

17 Section 607. Effective date.

18 This act shall take effect in 120 days.