

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2754 Session of
2010

INTRODUCED BY PAYTON, BRIGGS AND GOODMAN, SEPTEMBER 22, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 22, 2010

AN ACT

1 Providing for a Statewide moratorium on natural gas drilling in
2 the Marcellus Shale; and establishing the Marcellus Well
3 Drilling Study Commission.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Statewide
8 Marcellus Shale Natural Gas Drilling Moratorium Act.

9 Section 2. Definitions.

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

13 "Commission." The Marcellus Well Drilling Study Commission.

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

16 "Marcellus well." A well from which gas from the Marcellus
17 Shale formation, as determined by the United States Geological
18 Survey, is or is intended to be extracted, including wells on

1 Commonwealth and non-Commonwealth land.

2 Section 3. Moratorium.

3 (a) Establishment.--Notwithstanding any other provision of
4 law, a moratorium is established during which no Marcellus wells
5 may be drilled, including Marcellus wells that have received a
6 permit from the department, but drilling has not begun.

7 (b) Expiration.--The moratorium in subsection (a) shall
8 expire three years after the effective date of this act.

9 Section 4. Marcellus Well Drilling Study Commission.

10 (a) Establishment.--There is established the Marcellus Well
11 Drilling Study Commission.

12 (b) Purpose.--The purpose of the commission shall be to
13 study and analyze the environmental, social and economic impacts
14 of Marcellus well drilling in this Commonwealth and recommend
15 changes to the Commonwealth's statutory and regulatory framework
16 to ensure the protection of the public and the environment as
17 well as successful promotion of the natural gas industry.

18 Section 5. Report.

19 (a) Report.--The commission shall provide a comprehensive
20 report of the study. The report shall thoroughly investigate the
21 impact of Marcellus well drilling in this Commonwealth and make
22 recommendations on improvements to Pennsylvania's law and
23 regulations to ensure the protection of the public and the
24 environment as well as the successful promotion of the natural
25 gas industry. The recommendations should include, but not be
26 limited to, guidance on all of the following:

27 (1) Laws and regulations for the protection of rivers,
28 streams and groundwater from drilling activities, including
29 protecting drinking water, and managing wastewater, storm
30 water run-off and spills.

1 (2) Air quality laws and regulations.

2 (3) The disclosure and consequences of specific
3 chemicals used by the drilling industry, including amounts
4 used at each well site. The drilling industry must submit
5 proof that contamination of drinking water will not occur as
6 a result of the chemicals used.

7 (4) The appropriate permitting processes, drilling and
8 well inspections, staffing levels and other administrative
9 responsibilities of the department.

10 (5) How to handle liability and bonding at all well
11 sites in the event of drilling disasters that pose an
12 environmental risk, especially in remote areas.

13 (6) The impact on the State labor market and on how to
14 encourage job opportunities and procurement for Pennsylvania
15 businesses.

16 (7) The financial impact to host communities, such as
17 inadequate trucking routes and transport of contaminated
18 water which is produced due to the type of drilling and
19 fracturing method.

20 (8) Property rights of both those leasing land and those
21 adjacent to leased land.

22 (9) The cumulative impact of existing and likely
23 proposed drilling in Pennsylvania's Marcellus Shale,
24 including an analysis on water quality and contamination, air
25 quality, the amount of drilling fluids emitted to the
26 environment, road damage and other effects of truck traffic,
27 land use, habitat and human health.

28 (10) The effects on the social fabric, including, but
29 not limited to:

30 (i) Tourism.

- (ii) Recreation.
- (iii) Hunting.
- (iv) Fishing.
- (v) Community aesthetics.
- (vi) Quality of life.

(b) Presentation.--The commission shall present the report to the Governor, the chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate and the chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives nine months after the effective date of this act.

Section 6. Composition of the commission.

(a) Members.--The commission shall consist of the following members:

(1) One member appointed by the Governor.

(2) One member appointed by the President pro tempore of the Senate.

(3) One member appointed by the Minority Leader of the Senate.

(4) One member appointed by the Speaker of the House of Representatives.

(5) One member appointed by the Minority Leader of the House of Representatives.

(6) The Secretary of Environmental Protection.

(7) The Secretary of Conservation and Natural Resources.

(b) Chairperson.--The Secretary of Environmental Protection shall act as chair of the commission.

(c) Staffing.--The Commonwealth shall, through the department, provide reasonable and necessary clerical, research and administrative support and may contract for research,

1 analysis and editorial work in support of the commission as
2 necessary.

3 (d) Submission of members.--The Governor and responsible
4 legislative members shall make appointments to the commission
5 within 15 days of the effective date of this act.

6 Section 7. Public meetings.

7 The commission shall conduct at least six public hearings in
8 different geographic areas of this Commonwealth. All meetings,
9 except for organizational meetings and planning sessions, shall
10 be conducted as open meetings under 65 Pa.C.S. Ch. 7 (relating
11 to open meetings). The initial organizational meeting shall take
12 place no later than 30 days after the effective date of this
13 act.

14 Section 8. Cooperation by State agencies.

15 The department shall serve as the administrative support
16 agency of the commission and shall provide facilities, personnel
17 assistance, information and services necessary to fulfill the
18 mission of the commission. All other Commonwealth agencies are
19 directed to cooperate with and assist the commission in
20 fulfilling its duties and responsibilities.

21 Section 9. Effective date.

22 This act shall take effect immediately.