

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 181

Session of
1977

INTRODUCED BY MESSRS. J. L. WRIGHT, BURNS AND CESSAR,
FEBRUARY 9, 1977

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,
FEBRUARY 9, 1977

AN ACT

1 Providing for the conservation of methane gas; declaring methane
2 gas to be the property of the Commonwealth; establishing a
3 Methane Gas Commission; providing for licenses and regulating
4 the taking of methane; providing penalties and making an
5 appropriation.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the "Methane Gas
10 Act."

11 Section 2. Legislative findings.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby finds that certain confusions exist as to the ownership
14 of methane when found in the Commonwealth, particularly in,
15 around, and near coal fields. Therefore, the General Assembly
16 finds that methane is a usable, commercially viable, natural
17 energy resource of the Commonwealth and that the taking of
18 methane should be promoted in commercial quantities for the
19 benefit of the citizens of Pennsylvania.

1 Section 3. Definitions.

2 The following words and phrases when used in this act shall
3 have, unless the context clearly indicates otherwise, the
4 meanings given to them in this section:

5 "Commission." The Methane Commission created by this act.

6 "Methane." A hydrocarbon gas (CH_4) frequently encountered
7 in coal mines; it is inflammable and when it is diffused through
8 the air in portions of 5% to 15%, the mixture in the presence of
9 a flame or hot spark will explode.

10 Section 4. Methane ownership.

11 All methane under the surface of land in this Commonwealth is
12 hereby declared to be and is the property of the Commonwealth.

13 Section 5. Commission established.

14 There is hereby established a commission to be known as the
15 Methane Gas Commission which shall consist of seven members
16 appointed by the Governor and serving at the pleasure of the
17 Governor. Not more than five members of the commission shall be
18 identified with the petrochemical or coal producing capacity as
19 either management or labor, and at least two members of the
20 commission shall be members of the general public and represent
21 the consumer's interest.

22 The members shall receive a per diem allowance as established
23 by the Executive Board and such reimbursement of expenses
24 actually incurred.

25 For administrative purposes only, the commission shall be
26 established in the Department of Environmental Resources.

27 Section 6. Powers and duties of commission.

28 The commission shall promulgate rules and regulations for the
29 production of methane, and to regulate the taking of methane
30 from any or all sources of supply within the State, so as to

1 prevent waste and protect the interests of the public. Such
2 rules and regulations shall include, but not be limited to:

3 (1) the setting of the license fee required by this act;

4 (2) providing procedures for the safe and convenient
5 method of taking methane from coal mines with due regard to
6 all safety procedures, Federal, State or local, which may be
7 in effect from time to time;

8 (3) providing procedures for the safe and convenient
9 method of taking methane from coal mines with due regard to
10 any contractual provisions which may be in effect between
11 coal operators and lessors and coal operators and labor
12 unions;

13 (4) aiding producers of methane to arrange the necessary
14 details for the efficient, safe and commercially viable
15 distribution of such methane as the producer may achieve; and

16 (5) such other rules and regulations as are necessary to
17 implement this act.

18 Section 7. Licenses required.

19 A license is required by any person from the Methane
20 Commission before a person may capture, disburse or otherwise
21 deal with methane. Such licenses shall be evidence that the
22 licensee is entitled to sole possession of the methane he may
23 find in an area so described in the license and such license
24 shall be evidence of all his right title and interest in said
25 methane as if he were the agent of the Commonwealth.

26 Section 8. Conservation of methane.

27 Whenever methane in commercial quantities, or a methane
28 bearing stratum, known to contain methane in such quantity, is
29 encountered in any coal mine in this Commonwealth, such methane
30 shall be confined to its original stratum until such time as the

1 same can be produced and utilized without waste, and all such
2 strata shall be adequately protected from infiltrating waters.
3 Any unrestricted flow of methane in excess of one-half million
4 cubic feet per 24 hours shall be considered a commercial
5 quantity thereof; provided, that if in the opinion of the
6 Methane Commission methane of a lesser quantity shall be of
7 commercial value, the commission shall have authority to require
8 the conservation of said gas in accordance with the provisions
9 of the act.

10 Section 9. Waste defined and prohibited.

11 (a) The term waste, as used herein in addition to its
12 ordinary meaning, shall include escape of methane in commercial
13 quantities into the open air, the intentional drowning with
14 water of a methane stratum capable of producing methane in
15 commercial quantities, underground waste, the permitting of any
16 methane well to burn wastefully and the wasteful utilization of
17 such methane.

18 (b) The production of methane in this Commonwealth, in such
19 manner, and under such conditions as to constitute waste, shall
20 be unlawful and be punishable as a misdemeanor of the first
21 degree.

22 Section 10. Misappropriation of methane; criminal
23 responsibility.

24 Any person who takes methane, or aids or abets in the taking
25 of methane, except as herein provided shall be guilty of a
26 misdemeanor of the first degree.

27 Section 11. Commission appropriation.

28 The sum of \$100,000 or as much as may be necessary is hereby
29 appropriated to the Methane Gas Commission for the fiscal year
30 1977 to 1978 to implement the provisions of this act.

1 Section 12. Effective date.

2 This act shall take effect in 60 days.