
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 414 Session of
2007

INTRODUCED BY STAIRS, BARRAR, BASTIAN, CALTAGIRONE, DALEY,
GALLOWAY, GEORGE, GOODMAN, HERSHEY, LEVDANSKY, MAHONEY,
MUNDY, PETRARCA, REICHLEY, SAYLOR, STERN AND WOJNAROSKI,
FEBRUARY 13, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 13, 2007

AN ACT

1 Providing for the procedure relating to applications for coal
2 bed methane gas well permits and for the duties of the
3 Department of Environmental Protection; and establishing a
4 right of action.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Methane Gas
9 Well Permit Procedure Act.

10 Section 2. Definitions.

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

14 "Coal bed methane." Gas which can be produced from a coal
15 seam, a mined-out area or a gob well.

16 "Coal bed methane well." A hole or well, which is sunk,
17 drilled, bored or dug into earth for the production of coal bed

methane from a coal seam, a mined-out area or a gob well for consumption or sale. The term includes a horizontal borehole. The term does not include:

(1) A shaft, hole or well, which is sunk, drilled, bored or dug into the earth for core drilling or production of coal or water.

(2) A borehole drilled or being drilled for the purpose of or to be used for degasifying coal seams if:

(i) the borehole is:

(A) used to vent methane to the outside atmosphere from an operating coal mine;

(B) regulated as part of the mining permit pursuant to the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, and the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act; and

(C) drilled by the operator of the operating coal mine for the purpose of increased safety; or

(ii) the borehole is used to vent methane to the outside atmosphere pursuant to a federally funded or State-funded abandoned mine reclamation project.

(3) A well or borehole drilled in a coal seam from within an underground coal mine for the production of coal bed methane. This paragraph includes a well or borehole connected to a well or borehole which is sunk, drilled or dug from the surface.

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

"Operator." The person designated as the well operator or operator on a permit application or well registration.

1 "Surface owner." An owner of real property where a coal bed
2 methane well is located or proposed to be located who is not
3 entitled to royalties for the removal or recovery of the coal
4 bed methane from the well.

5 "Surface-use agreement." A written and signed agreement
6 between a surface owner and an operator regarding proposed
7 wells, access roads and other uses of the surface.

8 Section 3. Scope.

9 This act shall apply to a surface owner who is not entitled
10 to royalties under the act of July 20, 1979 (P.L.183, No.60),
11 entitled, "An act regulating the terms and conditions of certain
12 leases regarding natural gas and oil," for the removal or
13 recovery of methane gas or any other gas found in any coal
14 formation.

15 Section 4. Duties of operator.

16 Prior to submitting to the department a permit application
17 for a coal bed methane gas well under section 201 of the act of
18 December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas
19 Act, the operator shall:

20 (1) Provide the surface owner with a statement citing
21 deeds, leases, rights-of-way and other rights relating to the
22 operator's access to the coal be methane.

23 (2) Attempt to enter into a surface-use agreement with
24 the surface owner that specifies, at a minimum, the location
25 of the well, access roads and other surface uses reasonably
26 necessary to extract the coal bed methane.

27 Section 5. Right of action.

28 If the operator and the surface owner have not entered into a
29 surface-use agreement within 30 days of beginning negotiations,
30 either party may apply to the court of common pleas in the

1 judicial district in which the affected property is located for
2 an order establishing only the location of the well, access
3 roads and other surface uses reasonably necessary to extract the
4 coal bed methane.

5 Section 6. Surface-use agreement or court order necessary.

6 The department may not accept a permit application for a coal
7 bed methane gas well under the act of December 19, 1984
8 (P.L.1140, No.223), known as the Oil and Gas Act, unless the
9 application includes a copy of a valid surface-use agreement or
10 a court order from an action initiated under section 5 that
11 shows the location of the well, access roads and other surface
12 uses reasonably necessary to extract the coal bed methane. The
13 operator's well permit application shall show the location of
14 the well, access roads and other surface uses at the location
15 specified in the surface-use agreement or court order. At the
16 time of filing the well permit application with the department,
17 the operator shall provide the surface owner with a complete
18 copy of the permit application. At the request of the surface
19 owner, the department shall provide deviation surveys and other
20 information pursuant to the Oil and Gas Act, if available.

21 Section 7. Private action for enforcement.

22 If an operator fails to comply with a surface-use agreement
23 or a court order, the surface owner may bring an action for
24 enforcement in the court of common pleas in the judicial
25 district in which the affected property is located.

26 Section 8. Construction.

27 Nothing in this act shall be construed to:

28 (1) Relieve the operator of responsibilities under the
29 act of December 19, 1984 (P.L.1140, No.223), known as the Oil
30 and Gas Act.

1 (2) Preclude a person from seeking other remedies
2 allowed by statute, common law, deed or contract.

3 (3) Diminish rights granted before the effective date of
4 this section by statute, common law, deed or contract.

5 (4) Vest the surface owner with title to oil, gas or
6 coal bed methane interests which have been severed from the
7 estate.

8 Section 9. Nonapplicability.

9 This act shall not apply to a surface-use agreement in effect
10 prior to the effective date of this section.

11 Section 10. Relationship to local laws.

12 In accordance with section 602 of the act of December 19,
13 1984 (P.L.1140, No.223), known as the Oil and Gas Act, this act
14 shall supersede an ordinance or resolution of a political
15 subdivision which deals with the material regulated by this act.

16 Section 11. Effective date.

17 This act shall take effect in 60 days.