

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1205 Session of
2009

INTRODUCED BY PICKETT, REED, CREIGHTON, EVERETT, FLECK, GEORGE,
GINGRICH, HARPER, HARRIS, HESS, MAJOR, MILLARD, MILLER,
PHILLIPS, PYLE, SCAVELLO, SIPTROTH, STERN, SWANGER,
VULAKOVICH, YOUNGBLOOD AND GEIST, APRIL 3, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 3, 2009

AN ACT

1 Amending the act of December 19, 1984 (P.L.1140, No.223),
2 entitled "An act relating to the development of oil and gas
3 and coal; imposing duties and powers on the Department of
4 Environmental Resources; imposing notification requirements
5 to protect landowners; and providing for definitions, for
6 various requirements to regulate the drilling and operation
7 of oil and gas wells, for gas storage reservoirs, for various
8 reporting requirements, including certain requirements
9 concerning the operation of coal mines, for well permits, for
10 well registration, for distance requirements, for well casing
11 requirements, for safety device requirements, for storage
12 reservoir obligations, for well bonding requirements, for a
13 Well Plugging Restricted Revenue Account to enforce oil and
14 gas well plugging requirements, for the creation of an Oil
15 and Gas Technical Advisory Board, for oil and gas well
16 inspections, for enforcement and for penalties," in general
17 requirements, further providing for protection of water
18 supplies.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 208(c) and (d) of the act of December 19,
22 1984 (P.L.1140, No.223), known as the Oil and Gas Act, are
23 amended and the section is amended by adding subsections to
24 read:

1 Section 208. Protection of water supplies.

2 * * *

3 (c) Unless rebutted by one of the five defenses established
4 in subsection (d), it shall be presumed that a well operator is
5 responsible for the pollution of a water supply that is within
6 [1,000] 2,000 feet of the oil or gas well, where the pollution
7 occurred within [six] 24 months after the completion of drilling
8 or alteration of such well.

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

12 (1) The pollution existed prior to the drilling or
13 alteration activity as determined by a predrilling or
14 prealteration survey.

15 (2) The landowner or water purveyor refused to allow the
16 operator access to conduct a predrilling or prealteration
17 survey.

18 (3) The water supply is not within [1,000] 2,000 feet of
19 the well.

20 (4) The pollution occurred more than [six] 24 months
21 after completion of drilling or alteration activities.

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

24 * * *

25 (e.1) (1) At least 30 days prior to commencing a well
26 drilling operation, the well operator shall survey, sample
27 and analyze the quality and quantity of water from any wells,
28 springs or other water sources located within 2,000 feet of
29 the proposed oil or gas well. The water well, spring or other
30 water source to be tested shall be a supply that is utilized

1 by a landowner or water purveyor for human consumption,
2 domestic animals or other general use.

3 (2) The well operator shall utilize a laboratory
4 approved by the department to perform the water supply
5 analysis.

6 (3) The well operator shall within five days of receipt
7 of the test results provide this information in writing to
8 the landowner or water purveyor.

9 (e.2) (1) Upon the completion of drilling activities and
10 for a period of 24 months thereafter, the well operator, upon
11 written request of the landowner or water purveyor, shall
12 conduct a follow-up survey and analysis of the quality and
13 quantity of water from any wells, springs or other water
14 sources initially tested by the well operator under
15 subsection (e.1). The well operator shall not be required to
16 conduct such follow-up test more than once in a 12-month
17 period. The well operator's duty to conduct follow-up testing
18 shall end 24 months after the well begins production.

19 (2) The operator shall provide written notice to the
20 landowner or water purveyor of the right to request follow-up
21 tests.

22 (3) The operator shall obtain and analyze the water
23 samples in accordance with methods established by the
24 department. All follow-up tests shall be conducted by a
25 laboratory approved by the department to perform such
26 testing.

27 (4) The well operator shall, within five days of receipt
28 of the test results, provide this information in writing to
29 the landowner or water purveyor.

30 * * *

1 Section 2. This act shall take effect in 60 days.