

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 13 Session of 2011

INTRODUCED BY HUTCHINSON AND RAPP, OCTOBER 3, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
OCTOBER 3, 2011

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," further  
17 providing for local ordinances.

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

20 Section 1. Section 602 of the act of December 19, 1984  
21 (P.L.1140, No.223), known as the Oil and Gas Act, amended July  
22 2, 1992 (P.L.365, No.78), is amended to read:

23 Section 602. Local ordinances and Allegheny National Forest  
24 restrictions.

25 (a) Except with respect to ordinances adopted pursuant to

1 the act of July 31, 1968 (P.L.805, No.247), known as the  
2 Pennsylvania Municipalities Planning Code, and the act of  
3 October 4, 1978 (P.L.851, No.166), known as the Flood Plain  
4 Management Act, all local ordinances and enactments purporting  
5 to regulate oil and gas well operations regulated by this act  
6 are hereby superseded. No ordinances or enactments adopted  
7 pursuant to the aforementioned acts shall contain provisions  
8 which impose conditions, requirements or limitations on the same  
9 features of oil and gas well operations regulated by this act or  
10 that accomplish the same purposes as set forth in this act. The  
11 Commonwealth, by this enactment, hereby preempts and supersedes  
12 the regulation of oil and gas wells as herein defined.

13 (b) With respect to regulations adopted under section 17(o)  
14 of the Mineral Leasing Act (41 Stat. 437, 30 U.S.C. § 226(o))  
15 for oil and gas deposits in the Allegheny National Forest, and  
16 notwithstanding section 17(o)(3) and (4) of the Mineral Leasing  
17 Act (30 U.S.C. § 226(o)(3) and (4)), none of the following shall  
18 be authorized by any method or procedure:

19 (1) The imposition of any requirement for predrilling or  
20 presurface disturbance notifications from a well operator.

21 (2) The imposition of any conditions, duties or  
22 prohibitions on a well operator pertaining to any and all  
23 aspects, features or processes associated with oil and gas  
24 development activities.

25 (3) The imposition of any requirement or procedure by  
26 which the surface landowner may approve or object to any  
27 provision of any predrilling or presurface disturbance  
28 notification provided by a well operator.

29 (4) The specification of the contents of any predrilling  
30 or presurface disturbance notification provided by a well

1       operator.

2       Section 2.   This act shall take effect immediately.