

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 24 Session of 2011

INTRODUCED BY EVERETT, AUMENT, BAKER, BOBACK, R. BROWN, CARROLL, CREIGHTON, CUTLER, DALEY, DAY, DENLINGER, DePASQUALE, DIGIROLAMO, EMRICK, EVANKOVICH, FLECK, GABLER, GIBBONS, GINGRICH, GROVE, HARPER, HARRIS, HENNESSEY, HESS, KAUFFMAN, F. KELLER, M. K. KELLER, KNOWLES, KRIEGER, LAWRENCE, MAJOR, MILLARD, MILLER, MILNE, MIRABITO, MULLERY, MUNDY, MURT, MUSTIO, O'NEILL, PAYTON, PEIFER, PICKETT, QUINN, READSHAW, ROCK, ROSS, SACCONI, SCAVELLO, CULVER, SCHRODER, SIMMONS, K. SMITH, STABACK, STEPHENS, STURLA, SWANGER, TOEPEL, TRUITT, VEREB, VITALI AND WATSON, OCTOBER 6, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 6, 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," in
 17 preliminary provisions, further providing for definitions;
 18 and, in general requirements, further providing for well
 19 reporting requirements.

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

22 Section 1. Section 103 of the act of December 19, 1984

1 (P.L.1140, No.223), known as the Oil and Gas Act, is amended by
2 adding a definition to read:

3 Section 103. Definitions.

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

7 * * *

8 "Unconventional well." A bore hole drilled or being drilled
9 for the purpose of or to be used for producing oil or gas from a
10 geological formation existing below the base of the Elk
11 Sandstone or its geologic equivalent stratigraphic interval
12 where oil or gas generally cannot be produced at economic flow
13 rates or in economic volumes except by vertical or horizontal
14 well bores stimulated by hydraulic fracture treatments or by
15 using multilateral well bores or other techniques to expose more
16 of the formation of the well bore.

17 * * *

18 Section 2. Section 212 of the act is amended by adding a
19 subsection to read:

20 Section 212. Well reporting requirements.

21 * * *

22 (e) The department shall:

23 (1) Require an operator of a well on which a hydraulic
24 fracturing treatment is performed to:

25 (i) Complete the form posted on the publicly
26 accessible, hydraulic fracturing chemical registry
27 Internet website of the Ground Water Protection Council
28 and the Interstate Oil and Gas Compact Commission with
29 regard to the well.

30 (ii) Include in the form completed under

1 subparagraph (i):

2 (A) The total volume of water used in the
3 hydraulic fracturing treatment.

4 (B) Each chemical ingredient that is subject to
5 the requirements of 29 CFR 1910.1200(g)(2) (relating
6 to hazard communication) as provided by a service
7 company or chemical supplier or by the operator, if
8 the operator provides its own chemical ingredients.

9 (iii) Post the completed form described by
10 subparagraph (i) on the Internet website described by
11 subparagraph (i) or, if the Internet website is
12 discontinued or permanently inoperable, post the
13 completed form on another publicly accessible Internet
14 website specified by the department.

15 (iv) Submit the completed form described by
16 subparagraph (i) to the department with the well
17 completion report for the well.

18 (v) In addition to the completed form specified in
19 subparagraph (iv), provide to the department a list, to
20 be made available on a publicly accessible Internet
21 website, of all other chemical ingredients not listed on
22 the completed form that were intentionally included and
23 used for the purpose of creating a hydraulic fracturing
24 treatment for the well. The department shall ensure that
25 an operator, service company or supplier is not
26 responsible for disclosing ingredients that:

27 (A) were not purposely added to the hydraulic
28 fracturing treatment;

29 (B) occur incidentally or are otherwise
30 unintentionally present in the treatment; or

1 (C) in the case of the operator, are not
2 disclosed to the operator by a service company or
3 supplier. The department shall not require that these
4 ingredients be identified based on the additive in
5 which they are found or that the concentration of
6 such ingredients be provided.

7 (2) Require a service company that performs a hydraulic
8 fracturing treatment on a well or a supplier of an additive
9 used in a hydraulic fracturing treatment on a well to provide
10 the operator of the well with the information necessary for
11 the operator to comply with paragraph (1).

12 (3) Post the information provided by the well operator
13 on the department's Internet website.

14 Section 3. This act shall take effect in 120 days.