
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1855 Session of
2011

INTRODUCED BY MILLER, GEORGE, GODSHALL, HARPER, CALTAGIRONE,
DONATUCCI, GINGRICH, PETRI, QUINN, ROSS, SCHRODER, K. SMITH,
STEPHENS, STURLA, SWANGER AND YOUNGBLOOD, DECEMBER 7, 2011

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, DECEMBER 7, 2011

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, in conservation and natural resources,
3 providing for water well construction standards.

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

6 Section 1. Title 27 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 33

9 WATER WELL CONSTRUCTION STANDARDS

10 Sec.

11 3301. Scope of chapter.

12 3302. Definitions.

13 3303. Water well construction standards.

14 3304. Powers and duties.

15 3305. Penalties.

16 § 3301. Scope of chapter.

17 This chapter provides for water well construction standards.

18 § 3302. Definitions.

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

4 "Abandoned well." A water well that is no longer equipped in
5 such a manner as to be able to draw groundwater. This term
6 includes a water well where the pump, piping or electrical
7 components have been disconnected or removed and a test-well
8 when its use on a regular or prescribed basis has been
9 discontinued.

10 "Casing." An impervious durable pipe placed in a water well
11 to prevent the walls from caving in and to seal off surface
12 drainage or undesirable water, gas or other fluids and to
13 prevent them from entering the water well.

14 "Decommissioning." The process of properly filling and
15 sealing an abandoned well.

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

18 "Drilling." An act necessary to the construction of a water
19 well, including, but not limited to, drilling, boring, coring,
20 washing, jetting, driving and digging.

21 "Groundwater." Water beneath the surface of the ground
22 within a zone of saturation, whether or not flowing through
23 known and definite channels or percolating through underground
24 geologic formations and regardless of whether the result of
25 natural or artificial recharge. The term includes water
26 contained in an aquifer, artesian and nonartesian basin,
27 underground watercourse and any other body of water below the
28 surface of the earth.

29 "Grout." A permanent water tight joint or connection made by
30 filling with concrete, neat cement, or other approved impervious

1 material between the casing and the undisturbed formation
2 surrounding a water well or between two strings of casing.

3 "Person." A natural person, association, partnership or
4 corporation. Whenever used in any provision of this chapter
5 prescribing and imposing a penalty or imposing a fine or
6 imprisonment, or both, the term, as applied to an association,
7 shall include the members thereof and, as applied to a
8 corporation, the officers thereof. The provisions of this
9 chapter restricting or regulating the actions of any person
10 shall be construed as regulating or restricting the actions of
11 the employees and agents of such person.

12 "Public water system." A system that provides water to the
13 public for human consumption and has at least 15 service
14 connections or regularly serves an average of at least 25
15 individuals daily at least 60 days per year. The term includes
16 collection, treatment, storage and distribution facilities
17 whether or not they are under the control of the operator of the
18 system and used in connection with the system.

19 "Test-well." A hole drilled for the sole purpose of
20 measuring groundwater quantity and availability.

21 "Water for human consumption." The term includes water that
22 is used for drinking, bathing and showering, cooking,
23 dishwashing or maintaining oral hygiene.

24 "Water well." An excavation that is drilled, bored, cored,
25 washed, driven, dug, jetted or otherwise constructed when the
26 intended use of the excavation is for the location, diversion or
27 acquisition of groundwater. The term does not include an
28 excavation for the purposes of:

29 (1) obtaining or prospecting for oil, natural gas,
30 minerals or products of mining or quarrying;

1 (2) inserting media to repressure oil-bearing or natural
2 gas-bearing formation, storing petroleum or other materials;
3 or

4 (3) a public water system regulated under the act of May
5 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe
6 Drinking Water Act.

7 "Water well completion report." A report that describes
8 where, when and how a well was constructed.

9 "Water well driller." A water well contractor who has
10 contracted for the drilling, digging, driving, boring, coring,
11 washing, jetting, constructing, altering or repairing of a water
12 well.

13 "Water well owner." A person who owns land that is used for
14 any purpose and on which a water well has been drilled.

15 § 3303. Water well construction standards.

16 (a) General rule.--Water well drillers shall adhere to water
17 well construction standards, as promulgated under section 3304
18 (relating to powers and duties), including, but not limited to:

19 (1) Well site selection.

20 (2) Casing and casing installation.

21 (3) Well screens, filter packs and formation
22 stabilizers.

23 (4) Grouting.

24 (5) Plumbness and alignment.

25 (6) Well development.

26 (7) Testing for performance.

27 (8) Data recording.

28 (9) Disinfection.

29 (10) Water sampling and analysis.

30 (11) Water well and test-well decommissioning.

1 (b) Decommissioning.--A water well owner of an abandoned
2 well shall decommission the abandoned well in accordance with
3 the water well construction standards promulgated under this
4 chapter.

5 (c) Water well completion reports.--A water well driller
6 shall provide the department and water well owner, upon forms to
7 be prescribed by the department, a copy of a water well
8 completion report. The report shall include, but not be limited
9 to:

10 (1) The exact geographic location and log of the well
11 containing a description of materials penetrated.

12 (2) The size and depth.

13 (3) The diameters, lengths and materials of casing and
14 screen installed.

15 (4) The static and pumping levels.

16 (5) The yield and such other information pertaining to
17 the construction or operation of the well or wells as the
18 department may require.

19 (d) Inspections.--The department or any authorized
20 representative may inspect water wells during construction and
21 abandoned wells upon decommissioning and may issue orders or
22 take such other actions deemed necessary by the department.

23 § 3304. Powers and duties.

24 (a) Environmental Quality Board.--The Environmental Quality
25 Board shall adopt such rules and regulations of the department
26 as it deems necessary for the implementation of the provisions
27 of this chapter.

28 (b) Department.--The department shall develop and implement
29 procedures as may be necessary and appropriate in order to
30 obtain compliance with this chapter or the rules and regulations

1 promulgated, or permits issued under this chapter. The
2 procedures shall include, but not be limited to:

3 (1) Establishing and maintaining a permit program
4 concerning water well construction standards, decommissioning
5 and inspections.

6 (2) Entering into agreements, contracts or cooperative
7 arrangements to carry out the purposes of this chapter, under
8 such terms and conditions as may be deemed appropriate, with
9 other Federal or State agencies, political subdivisions,
10 public or private agencies or other persons, including
11 agreements to give or receive financial and technical
12 assistance.

13 (3) (i) Establishing and collecting reasonable permit
14 fees for conducting inspections and administering the
15 provisions of this chapter.

16 (ii) Fees assessed under this section and civil
17 penalties under section 3305 (relating to penalties)
18 shall be deposited into the Clean Water Fund, established
19 under section 8 of the act of June 22, 1937 (P.L.1987,
20 No.394), known as The Clean Streams Law.

21 (4) Notifying water well owners of their
22 responsibilities under section 3303 (relating to water well
23 construction standards).

24 (5) Enforcing the penalties authorized under section
25 3305(d).

26 § 3305. Penalties.

27 (a) Summary offense.--A person who drills a water well in
28 violation of section 3303 (relating to water well construction
29 standards) commits a summary offense and shall, upon conviction,
30 be sentenced to pay a fine of not more than \$1,000 and, in

1 default thereof, to imprisonment for not more than ten days.

2 (b) Misdemeanor.--A person previously convicted of a summary
3 offense under subsection (a) who drills a water well or causes a
4 water well to be drilled in violation of section 3303 commits a
5 misdemeanor and shall, upon conviction, be sentenced to pay a
6 fine of not more than \$5,000 and, in default thereof, to
7 imprisonment for not more than three months.

8 (c) Failure to file a water well completion report.--A water
9 well driller who fails to file the report required by this
10 chapter commits a summary offense and shall, upon conviction, be
11 sentenced to pay a fine of not more than \$250 and, in default
12 thereof, to imprisonment for not more than ten days.

13 (d) Failure to decommission.--A water well owner who fails
14 to decommission an abandoned well as required by this chapter
15 commits a misdemeanor and shall, upon conviction, be sentenced
16 to pay a fine of not more than \$500 and, in default thereof, to
17 imprisonment for not more than 30 days.

18 Section 2. This act shall take effect as follows:

19 (1) The addition of 27 Pa.C.S. § 3305 shall take effect
20 120 days after the adoption of regulations promulgated under
21 27 Pa.C.S. § 3304.

22 (2) This section shall take effect immediately.

23 (3) The remainder of this act shall take effect in 30
24 days.