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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 392 Session of  
2017

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INTRODUCED BY YUDICHAK, FARNESE, COSTA, TARTAGLIONE, BREWSTER,  
MENSCH AND HUGHES, FEBRUARY 16, 2017

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,  
FEBRUARY 16, 2017

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AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated  
2 Statutes, in development, further providing for protection of  
3 water supplies, for transportation records regarding  
4 wastewater fluids, for inspection and production of  
5 materials, witnesses, depositions and rights of entry and for  
6 inspection reports.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Sections 3218(b) and (b.4), 3218.3, 3258(a.1) and  
10 3262 of Title 58 of the Pennsylvania Consolidated Statutes are  
11 amended to read:

12 § 3218. Protection of water supplies.

13 \* \* \*

14 (b) Pollution or diminution of water supply.--

15 (1) A landowner or water purveyor suffering pollution or  
16 diminution of a water supply as a result of the drilling,  
17 alteration or operation of an oil or gas well may so notify  
18 the department and request that an investigation be  
19 conducted.

1           (2) Within ten days of notification, the department  
2 shall investigate the claim and make a determination within  
3 45 days following notification[.] or, in the event that  
4 migration of natural gas is involved, within 90 days  
5 following notification.

6           (3) If the department finds that the pollution or  
7 diminution was caused by drilling, alteration or operation  
8 activities or if it presumes the well operator responsible  
9 for pollution under subsection (c), the department shall  
10 issue orders to the well operator necessary to assure  
11 compliance with subsection (a), including orders requiring  
12 temporary replacement of a water supply where it is  
13 determined that pollution or diminution may be of limited  
14 duration.

15 \* \* \*

16 (b.4) Website.--The department shall publish, on its  
17 Internet website[, lists]:

18           (1) Lists of confirmed cases of subterranean water  
19 supply contamination that result from hydraulic fracturing.

20           (2) Lists of probable cases of subterranean water supply  
21 contamination that are supported by credible evidence.

22 \* \* \*

23 § 3218.3. Transportation records regarding wastewater fluids  
24 and drill cuttings.

25 (a) Requirements.--A well operator of an unconventional well  
26 that generates or transports wastewater fluids or drill cuttings  
27 and a person or company that transports wastewater fluids or  
28 drill cuttings from an unconventional well shall do all of the  
29 following:

30           (1) Maintain records for five years, in accordance with

1 regulations under subsection (b) and on a form approved by  
2 the department, of the amount and destination of the fluids  
3 and drill cuttings transported.

4 (2) Make the records under paragraph (1) available to  
5 the department upon request.

6 (b) Recordkeeping.--Recordkeeping requirements shall be  
7 determined by the department and shall include the following:

8 (1) The number of gallons of wastewater fluids produced  
9 and the tons of drill cuttings generated in the drilling,  
10 stimulation or alteration of a well.

11 (2) Upon completion of the well, the name of the person  
12 or company that transported the wastewater fluids and drill  
13 cuttings to a disposal site or to a location other than the  
14 well site.

15 (3) Each location where wastewater fluids were disposed  
16 of or transported and the volumes that were disposed of at  
17 the location other than the well site.

18 (3.1) Each location where drill cuttings were disposed  
19 of or transported and the volumes that were disposed of at  
20 the location other than the well site.

21 (4) The method of disposal or treatment.

22 § 3258. Inspection and production of materials, witnesses,  
23 depositions and rights of entry.

24 \* \* \*

25 (a.1) [Preoperation inspections] Inspections.--

26 (1) The operator may not commence drilling activities  
27 until the department has conducted an inspection of the  
28 unconventional well site after the installation of erosion  
29 and sediment control measures.

30 (2) The department shall inspect each unconventional

1 well site at least once every year after the well is in  
2 production.

3 (3) The department may conduct follow-up inspections of  
4 well sites and related activities to determine compliance  
5 with this chapter.

6 \* \* \*

7 § 3262. Inspection reports.

8 The department shall post inspection reports on its publicly  
9 accessible Internet website. The inspection reports shall  
10 include:

11 (1) The nature and description of violations.

12 (2) The operator's written response to the violation, if  
13 available.

14 (3) The status of the violation.

15 (4) The remedial steps taken by the operator or the  
16 department to address the violation.

17 (5) The written comments of the inspector that are  
18 related to the well site.

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