

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2100

Session of
1984

INTRODUCED BY SWEET, GEIST, ITKIN, DALEY, HERMAN, JAROLIN,
TRELLO, E. Z. TAYLOR, LUCYK, PRATT AND LESCOVITZ,
APRIL 30, 1984

AS REPORTED FROM COMMITTEE ON MINES AND ENERGY MANAGEMENT,
HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 28, 1984

AN ACT

1 Requiring coordination of coal mine and gas well operators;
2 authorizing Department of Environmental Resources enforcement
3 powers; and providing penalties.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Coal and Gas
12 Resource Coordination Act.

13 Section 2. Definitions.

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

17 ~~"Active coal mine." Any area permitted by this Commonwealth~~
18 ~~for coal mining operations and any area adjacent to such~~
19 ~~permitted area where the mine owner or operator has projected~~
20 ~~mining operations within five years.~~

<—

21 "ACTIVE COAL MINE." ANY OPERATING COAL MINE OR COAL MINE
22 ALREADY PROJECTED AND PERMITTED, BUT NOT YET BEING OPERATED, OR
23 WITHIN 1,000 LINEAR FEET BEYOND SUCH BOUNDARIES.

<—

24 Department." The Department of Environmental Resources.

25 "Gas." A natural, manufactured or by-product gas or any
26 mixture thereof.

27 "Gas Operations Well-Drilling Petroleum and Coal Mining Act."
28 The act of November 30, 1955 (P.L.756, No.225), known as the Gas
29 Operations Well-Drilling Petroleum and Coal Mining Act.

30 "Gas well." A well which is producing or capable of

1 producing marketable quantities of gas OR OF GAS and oil with a <—
2 gas-oil ratio of more than 100 MCF per bbl. of oil.

3 "Injection well." A well used for injection of gases or
4 liquids into an underground formation.

5 "Inoperative gas well." A gas well which is not producing
6 gas and for which the permittee of record has determined and
7 reported to the department pursuant to section 10(b) that the
8 gas well is of future utility and the permittee reasonably
9 expects to utilize the well within five years of the date of
10 this report.

11 "Nonproducing gas well." A gas well that has not been used
12 to produce, extract or inject any gas within the preceding 24
13 months and any well for which the equipment necessary for
14 production, extraction or injection has been removed, except
15 that it shall not include any gas well waiting for a pipeline,
16 market or storage or any well designated as an inoperative gas
17 well or producing well pursuant to this act.

18 "Oil." Crude petroleum oil and all other hydrocarbons,
19 regardless of gravity, produced at a well in liquid form by
20 ordinary production methods, but does not include liquid
21 hydrocarbons that were originally in a gaseous phase in the
22 reservoir.

23 "Oil and Gas Conservation Law." The act of July 25, 1961
24 (P.L.825, No.359), known as the Oil and Gas Conservation Law.

25 "Oil well." A well which produces oil in marketable
26 quantities ~~but has an insufficient amount of gas to be salable.~~ <—
27 OR OIL AND GAS WITH A GAS-TO-OIL RATIO OF LESS THAN 1,000 CUBIC <—
28 FEET, OR MCF, PER BARREL, OR BBL., OF OIL.

29 "Onondaga horizon." The top of the onondaga formation,
30 except in those areas in which the onondaga formation is not

1 present, and in such areas the term shall be understood to mean
2 either the top of the stratigraphic horizon first appearing in
3 the interval of the missing onondaga formation, or where strata
4 older than the top of the onondaga are exposed at the surface,
5 then the term "onondaga horizon" shall mean the surface.

6 "OPERATING COAL MINE." A COAL MINE WHICH IS PRODUCING COAL <—
7 OR HAS BEEN IN PRODUCTION OF COAL AT ANY TIME DURING THE 12
8 MONTHS IMMEDIATELY PRECEDING THE DATE ITS STATUS IS PUT IN
9 QUESTION UNDER THIS ACT AND ANY WORKED OUT OR ABANDONED COAL
10 MINE CONNECTED UNDERGROUND WITH OR CONTIGUOUS TO SUCH OPERATING
11 COAL MINE AND ANY COAL MINE TO BE ESTABLISHED OR REESTABLISHED
12 AS AN OPERATING COAL MINE WITHIN ONE YEAR.

13 "Owner." When used in reference to a coal mine, a person who
14 has an economic interest in a workable coal seam or when used in
15 reference to gas properties or rights, a person who has an
16 economic interest in the gas rights.

17 "Permittee." The well operator who has received a drilling
18 permit in accordance with the Gas Operations Well-Drilling
19 Petroleum and Coal Mining Act.

20 "Person." A natural person, corporation, association,
21 partnership, receiver, trustee, executor, administrator,
22 guardian, fiduciary, or other representative of any kind, and
23 includes any department, agency or instrumentality of this
24 Commonwealth, or any governmental subdivision thereof.

25 "Producing gas well." A well which is being used for the
26 production or extraction of gas.

27 "STORAGE WELL." A WELL USED FOR AND IN CONNECTION WITH THE <—
28 UNDERGROUND STORAGE OF NATURAL GAS, INCLUDING INJECTION INTO OR
29 WITHDRAWAL FROM AN UNDERGROUND STORAGE RESERVOIR FOR THE
30 MONITORING OR OBSERVATION OF RESERVOIR PRESSURE.

1 "Tract." The contiguous surface acreage encompassed by the
2 gas rights pursuant to which the gas well is to be drilled.

3 "Well." A bore hole drilled or being drilled primarily for
4 the purpose of or to be used for producing or extracting oil or
5 gas and which has not been plugged.

6 "Workable coal seam." A coal seam ~~shown on~~ IDENTIFIED BY the <—
7 Topographical and Geological Survey of the Department of
8 Environmental Resources ~~Map 11~~ AS capable of being mined by <—
9 underground methods.

10 Section 3. Applicability; exclusions.

11 (a) Except as provided in subsection (b), this act shall
12 apply to all gas wells which penetrate a workable coal seam in
13 this Commonwealth, including any gas well which penetrates a
14 workable coal seam on lands owned or administered by the
15 Commonwealth, or any political subdivision thereof.

16 (b) This act shall not apply to any:

17 (1) Gas well for which a permit is obtained under the
18 Oil and Gas Conservation Law and which is, in fact, drilled
19 to a depth which penetrates the onondaga horizon, or, in
20 those areas where the onondaga horizon is closer to the
21 surface than 3,800 feet, penetrates deeper than 3,800 feet,
22 even if the well is completed as a gas well which would
23 otherwise be subject to this act; except to the extent that
24 such gas wells are considered "other wells" for the purposes
25 of section 7.

26 (2) Oil well, ~~combination well, injection well or well~~ <—
27 ~~drilled to inject gas into or withdraw gas from a gas storage~~
28 ~~reservoir,~~ INJECTION WELL OR STORAGE WELL, except to the <—
29 extent that such wells are considered "other wells" for the
30 purposes of section 7.

1 (c) Nothing in this act shall be construed to require gas
2 wells drilled prior to the effective date of this act to comply
3 with the minimum distance requirements of section 7.

4 Section 4. Powers and duties of department.

5 ~~(a) The department shall have authority over all persons and~~ <—
6 ~~property necessary to effectively enforce the provisions of this~~
7 ~~act.~~

8 (A) THE DEPARTMENT SHALL HAVE THE POWER TO ISSUE SUCH ORDERS <—
9 AS ARE NECESSARY TO AID IN THE ENFORCEMENT OF THE PROVISIONS OF
10 THIS ACT.

11 (b) This act shall not be construed to grant to the
12 department authority or power to:

13 (1) Limit production or output, or prorate production of
14 any gas well ABOVE THE ONONDAGA HORIZON. <—

15 (2) Fix prices of natural gas.

16 (c) The powers and duties of the department shall be
17 strictly construed and limited to those set forth herein.

18 Section 5. Permits.

19 No person shall be issued a permit pursuant to the Gas
20 Operations Well-Drilling Petroleum and Coal Mining Act to drill
21 a new gas well unless the provisions of this act are met.

22 Section 6. Permit application.

23 (a) All permit applications made pursuant to the Gas
24 Operations Well-Drilling Petroleum and Coal Mining Act for a gas
25 well covered by this act shall include a certification that the
26 gas well will be located so that it will comply with the minimum
27 distance requirements set forth in section 7, including any
28 exception granted by the department pursuant to section 7(b),
29 (c) and (d).

30 (b) All permit applications made pursuant to the Gas

1 Operations Well-Drilling Petroleum and Coal Mining Act for a gas
2 well covered by this act shall be processed by the department in
3 the order in which they are received. No such permit application
4 shall be deemed complete unless all information necessary to
5 process the permit in compliance with this act has been received
6 by the department, including all information necessary to act on
7 any exception requested pursuant to section 7(b), (c) and (d).

8 (c) In any case where two or more permits have been applied
9 for or issued by the department, pursuant to the Gas Operations
10 Well-Drilling Petroleum and Coal Mining Act, for gas wells
11 covered by this act, and gas wells covered by the permits or
12 applications cannot be drilled without violating the provisions
13 of section 7, the department shall notify each affected permit
14 applicant or permittee.

15 (d) (1) In any case where two or more permits have been
16 applied for or issued by the department, pursuant to the Gas
17 Operations Well-Drilling Petroleum and Coal Mining Act for
18 gas wells covered by this act, and all gas wells covered by
19 the permits or permit applications cannot be drilled without
20 violating the provisions of section 7, the first permitted
21 gas well for which drilling is commenced shall determine
22 compliance of the remaining proposed gas wells with section
23 7.

24 (2) Drilling shall be deemed to have commenced for the
25 purposes of this subsection when the permittee has begun
26 actually drilling with the intent of continuing the drilling
27 in a workmanlike manner to a formation capable of producing
28 enough gas to make it economically feasible to complete the
29 well.

30 Section 7. Minimum distance between gas wells.

1 (a) No permit for a gas well covered by this act may be
2 issued to drill a new gas well, or reopen a gas well which has
3 been plugged in accordance with the Gas Operations Well-Drilling
4 Petroleum and Coal Mining Act, unless the proposed gas well is
5 located not less than 1,000 feet from any other well and not
6 less than 330 feet from the boundary of the tract on which the
7 gas well is to be located. For the purpose of this section
8 "other well" shall not include any:

9 (1) Oil or gas well or injection well which does not
10 penetrate a workable coal seam.

11 (2) Oil or gas well or injection well which has been
12 plugged in accordance with this act OR ANY OTHER ACT OF THIS <—
13 COMMONWEALTH WHICH WOULD MEET STATE AND FEDERAL REQUIREMENTS
14 FOR THE SAFE MINING THROUGH OF A GAS WELL.

15 (3) Nonproducing oil or gas well WHICH WAS DRILLED AND <—
16 ABANDONED PRIOR TO NOVEMBER 30, 1955.

17 (4) STORAGE WELL.

18 (b) The department shall, upon request of the permit
19 applicant or the owner of the workable coal seam which underlies
20 the proposed gas well, grant an exception from the minimum 1,000
21 feet distance requirement of subsection (a), where the permit
22 applicant and the owner of the workable coal seam consent, in
23 writing. In no case shall the minimum distance between the
24 proposed gas well and any other well be less than 900 feet
25 pursuant to this subsection.

26 (c) The department shall, upon the request of the permit
27 applicant or the owner of the workable coal seam which underlies
28 the proposed gas well, grant an exception to the requirements of
29 subsection (a), where the vertical distance between the
30 producing formation of the proposed gas well and the producing

1 formation of any other well within 1,000 feet of the proposed
2 gas well is 1,000 feet or greater, where the permit applicant
3 and the owner of the workable coal seam consent in writing.

4 (d) The department shall, upon request of the permit
5 applicant, grant an exception from the requirement that a gas
6 well may not be located less than 330 feet from the boundary of
7 the tract on which the gas well is to be located if any of the
8 following conditions are proven:

9 (1) The proposed gas well must be located within 330
10 feet of the boundary to conform to the requirements of the
11 Gas Operations Well-Drilling Petroleum and Coal Mining Act.

12 (2) The topography of the tract on which the proposed
13 gas well is to be located is such that it cannot be located
14 any place on the tract which is not within 330 feet of the
15 boundary of the tract.

16 (3) The nature, character or location of the producing
17 formations sought to be drilled are such that drilling the
18 gas well more than 330 feet from the boundary of the tract
19 would not be efficient, economical or would prevent removal
20 of the maximum amount of gas.

21 (4) Locating the proposed gas well less than 330 feet
22 from the boundary of the tract is necessary to protect
23 property or to protect against potential injury to any
24 natural person.

25 (5) If the proposed gas well must be located within 330
26 feet to take advantage of any exception pursuant to
27 subsection (b), (c) or (d).

28 (6) If the proposed gas well must be located within 330
29 feet as the result of any ~~decision~~ RECOMMENDATION of the
30 panel provided for in section 12.

<—

1 Section 8. Voluntary agreements.

2 The owners of adjoining rights in oil and gas properties may
3 agree to combine the rights in order to establish a tract to
4 conform to the requirements of section 7. The agreements shall
5 be in writing.

6 Section 9. Validity of voluntary agreements.

7 No agreement entered into for the purpose of complying with
8 section 7 or for the purpose of bringing about the integrated
9 development or operation of gas properties, shall be held to
10 violate any statute of this Commonwealth prohibiting monopolies
11 or acts, arrangements, agreements, contracts, combinations or
12 conspiracies in restraint of trade or commerce.

13 Section 10. ~~Modification~~ WELL CLASS DESIGNATION. <—

14 (a) Within one year of the effective date of this act, the
15 department shall serve written notice on the permittee of record
16 of all gas wells permitted under the Gas Operations Well-
17 Drilling Petroleum and Coal Mining Act and which penetrate a
18 workable coal seam that the permittee must designate his gas
19 well as nonproducing, inoperative or producing as those terms
20 are defined in this act.

21 (b) The permittee shall report his designation of each gas
22 well within one year of the receipt of the notice provided for
23 in subsection (a).

24 (c) Any gas well for which the department does not receive a
25 designation from the permittee shall be classified as a
26 nonproducing gas well.

27 Section 11. Renewal of inoperative status.

28 A gas well which has been designated as inoperative pursuant
29 to section 10(b) shall be declared a nonproducing gas well by
30 the department if it does not become a producing gas well within

1 five years of the date the permittee designates it as
2 inoperative, unless prior to expiration of the five-year period
3 the permittee certifies in writing to the department that it
4 will become a producing gas well within two years and that it
5 otherwise qualifies as an inoperative gas well as defined in
6 this act.

7 Section 12. Coordination of gas well drilling through active
8 coal mines.

9 (a) When a proposed gas well ~~drilling~~ is located above an <—
10 active coal mine then the owner of the coal mine may within ten
11 days from the receipt by the department of the plat and notice
12 required by the Gas Operations Well-Drilling Petroleum and Coal
13 Mining Act, file objections in writing to such proposed drilling
14 with the department, setting out in detail the ground or grounds
15 upon which the objections are based.

16 (b) If any objection is filed, the department shall notify
17 the permit applicant of the objections and shall provide the
18 permit applicant with a copy of the written objections.

19 (c) In the event the well operator and the objecting coal
20 owner or operator are unable to agree upon a drilling location,
21 their differences shall be ~~resolved by~~ SUBMITTED TO a panel <—
22 consisting of one person selected by the objecting coal owners
23 or operators, a second person selected by the permit applicant
24 and a third selected by the other two. Each party shall pay the
25 fee of the panel member it selects and one-half the fee of the
26 third member. The panel shall convene a ~~hearing~~ MEETING within <—
27 ten days of a request to do so by either the permit applicant or
28 the objecting coal owner or operator.

29 (d) The parties shall submit their positions to the panel
30 within such time as the panel prescribes. The panel shall

1 receive such written or oral information as it deems
2 appropriate. Based on the information it receives, the panel
3 shall choose the location, if any, on the permit applicant's
4 tract which:

5 (1) Permits the proposed gas well to be drilled without
6 endangering the safety of persons working in any coal mine.

7 (2) Allows for the maximum recovery of gas and removal
8 of coal.

9 In determining what location allows for the maximum recovery of
10 gas and removal of coal, the panel shall weigh the additional
11 cost, including the value of any oil or gas which will be lost,
12 of drilling in a location other than the one designated by the
13 permit applicant against the costs, including the value of coal
14 which will be lost, which will be incurred by the objecting coal
15 owner or operator by allowing the drilling to take place at the
16 location designated by the permit applicant.

17 ~~(c) The panel shall make its decision within ten days of the~~ <—
18 ~~close of the hearing and immediately submit it to the department~~
19 ~~and the parties to this proceeding. The department, if it~~
20 ~~otherwise approves, shall proceed to issue a permit and the~~
21 ~~location of the gas well as determined by the panel shall be~~
22 ~~indicated on the plat on file with the department, and the~~
23 ~~distance and direction of the new location, if any, from the~~
24 ~~original location shall be shown and the plat shall be filed and~~
25 ~~become a permanent record.~~

26 (E) THE PANEL SHALL MAKE ITS RECOMMENDATION WITHIN TEN DAYS <—
27 OF THE CLOSE OF THE MEETING AND SHALL IMMEDIATELY SUBMIT IT TO
28 THE DEPARTMENT, TO THE COLLECTIVE BARGAINING REPRESENTATIVE OF
29 THE EMPLOYEES OF THE COAL OPERATOR AND TO THE PARTIES TO THIS
30 PROCEEDING. WITHIN 20 DAYS FROM RECEIPT OF A PANEL'S

1 RECOMMENDATION, THE DEPARTMENT SHALL PROCEED TO ISSUE A PERMIT
2 WITH THE LOCATION OF THE GAS WELL AS RECOMMENDED BY THE PANEL
3 UNLESS THE DEPARTMENT, PURSUANT TO ITS AUTHORITY UNDER THE GAS
4 OPERATIONS WELL-DRILLING PETROLEUM AND COAL MINING ACT, HAS
5 DETERMINED THAT THE WELL CANNOT BE SAFELY DRILLED AT SUCH
6 LOCATION. WHEN SUCH A DETERMINATION IS MADE BY THE DEPARTMENT IT
7 SHALL SO NOTIFY THE PANEL, STATING ITS REASONS FOR THE
8 REJECTION, AND DIRECT THE PANEL TO SUBMIT ANOTHER RECOMMENDATION
9 WITHIN TEN DAYS FOR AN ALTERNATE LOCATION OF THE GAS WELL ON
10 SUCH TRACT OF LAND. UPON ISSUANCE OF THE PERMIT, THE LOCATION AS
11 DETERMINED BY THE DEPARTMENT SHALL BE INDICATED ON THE PLAT ON
12 FILE WITH THE DEPARTMENT, AND THE DISTANCE AND DIRECTION OF THE
13 NEW LOCATION, IF ANY, FROM THE ORIGINAL LOCATION SHALL BE SHOWN
14 AND THE PLAT SHALL BE FILED AND BECOME A PERMANENT RECORD.

15 (f) Decisions of the panel shall be based on a majority
16 vote.

17 ~~(g) The decisions of the panel pursuant to subsection (d)~~ <—
18 ~~shall be final and binding on the department, and no appeal of~~
19 ~~the panel's decision may be taken to the Environmental Hearing~~
20 ~~Board or the courts of this Commonwealth.~~

21 (G) THIS SECTION SHALL NOT APPLY TO ANY OPERATING COAL MINE <—
22 WHEN A GAS WELL IS PROPOSED TO BE DRILLED THROUGH THE MINE.
23 Section 13. Plugging gas wells penetrating workable coal seams.

24 ~~(a) The owner or permittee of any nonproducing gas well,~~ <—
25 ~~which was permitted after November 30, 1955, shall securely plug~~
26 ~~the well using any one of the following techniques depending on~~
27 ~~whether the coal protection string of casing has been circulated~~
28 ~~and cemented into the surface:~~

29 (A) THE OWNER OR PERMITTEE OF ANY GAS WELL WHICH IS REQUIRED <—
30 TO BE PLUGGED PURSUANT TO THE GAS OPERATIONS WELL-DRILLING

1 PETROLEUM AND COAL MINING ACT, WHICH PENETRATES A WORKABLE COAL
2 SEAM AND WHICH HAS NOT ALREADY BEEN PLUGGED AS REQUIRED BY
3 PENNSYLVANIA LAW, SHALL SECURELY PLUG THE WELL USING ANY ONE OF
4 THE FOLLOWING TECHNIQUES, EXCEPT AS PROVIDED IN SUBSECTION (B)
5 AND DEPENDING ON WHETHER THE COAL-PROTECTION STRING OF CASING
6 HAS BEEN CIRCULATED AND CEMENTED INTO THE SURFACE:

7 (1) Where a coal protection string of casing has been
8 circulated and cemented into the surface, the well shall be
9 filled with sand pumpings, mud, or other equally nonporous
10 material from the bottom of the well to a point 20 feet above
11 the top of the lowest stratum bearing or having borne oil,
12 gas or water; or a permanent bridge shall be anchored 30 feet
13 below the lowest stratum bearing or having borne oil, gas or
14 water, and from such bridge the well shall be filled with
15 sand pumpings, mud or other equally nonporous material to a
16 point 20 feet above such stratum at which point there shall
17 be placed a plug of expanding cement to a depth of at least
18 20 feet which will completely seal the hole. A sufficient
19 lapse of time shall be allowed after the introduction of the
20 expanding cement for it to set properly before proceeding.
21 Between this sealing plug and a point 20 feet above the next
22 higher stratum bearing or having borne oil, gas or water, the
23 hole shall be either filled, or bridged and filled in the
24 manner just described and at such point there shall be placed
25 another similar plug of expanding cement to a depth of at
26 least 20 feet which will completely seal the hole. In like
27 manner the hole shall be filled and plugged, or bridged,
28 filled and plugged with reference to each of the strata
29 bearing or having borne oil, gas or water. Whenever such
30 strata are not widely separated and are free from water, they

1 may be grouped and treated as a single horizon and the
2 aforesaid filling and plugging may be performed as through
3 there were but one horizon. An expanding cement plug shall be
4 placed approximately ten feet below the bottom of the largest
5 casing in the well and from this point to a point
6 approximately 100 feet below the bottom of coal protection
7 string of casing, the well shall be filled with sand
8 pumpings, mud or other equally nonporous material. A 100 foot
9 plug of expanding cement shall then be placed at a point just
10 below the coal protection string of casing. After such plug
11 has been securely placed in the well, the coal protection
12 string of casing shall be emptied of liquid from the surface
13 to a point 100 feet below the lowest workable coal seam or to
14 the bottom of the coal protection string of casing, whichever
15 is shallower. A vent or other device approved by the
16 department shall then be installed on top of the coal
17 protection string of casing in such a manner that will
18 prevent liquids and solids from entering the well but will
19 permit access to the full internal diameter of the coal
20 protection string of casing when required. The coal
21 protection string of casing and the vent or other device
22 approved by the department shall extend, when finally in
23 place, a distance of no less than 72 inches above ground
24 level and shall be permanently marked with the well number
25 assigned by the department.

26 (2) Where a coal protection string of casing has not
27 been circulated and cemented into the surface, the well shall
28 be plugged in the manner provided in paragraph (1), to a
29 point approximately 200 feet below the lowest workable coal
30 seam. A 100 foot plug of expanding cement shall then be

1 placed in the well beginning at the point approximately 200
2 feet below the lowest workable coal bed and extending to a
3 point approximately 100 feet below the lowest workable coal
4 seam. A string of casing with an outside diameter not less
5 than ~~eight~~ FOUR and one half inches shall then be run into <—
6 the well to a point approximately 100 feet below the lowest
7 workable coal seam and such string of casing shall be
8 circulated and cemented into the surface. The casing shall
9 then be emptied of liquid from a point approximately 100 feet
10 below the lowest workable coal seam to the surface and a vent
11 or other device approved by the department shall be installed
12 on the top of the string of casing in such a manner that it
13 will prevent liquids and solids from entering the well but
14 will permit ready access to the full internal diameter of the
15 coal protection string of casing when required. The string of
16 casing and the vent or other device approved by the
17 department shall extend, when finally in place, a distance of
18 no less than 72 inches above ground level and shall be
19 permanently marked with the well number assigned by the
20 department.

21 (3) Where the coal protection-water string of casing has
22 been circulated and cemented into the surface, the well may
23 also be plugged by circulating with bentonite gel or other
24 equally nonporous material. In such case an expanding cement
25 plug or plugs shall then be set in such a way that each plug
26 or plugs will extend from at least 50 feet below each stratum
27 bearing or having borne oil, gas or water, to a point at
28 least 100 feet above each stratum bearing or having borne
29 oil, gas or water. The bentonite gel shall separate each
30 expanding cement plug. Whenever such strata are not widely

1 separated, they may be grouped or treated as a single stratum
2 bearing or having borne oil, gas or water and a single
3 expanding cement plug may be used. When the uncemented
4 portion of the production string is removed during the
5 plugging procedure, an expanding cement plug extending from
6 the point where the production casing is separated to a point
7 at least 50 feet above the point of separation shall be set.
8 An expanding cement plug shall be set at a point at least 100
9 feet below the bottom of the coal protection-water string to
10 a point at least 100 feet above the bottom of the coal
11 protection-water string.

12 (4) Where a coal protection-water string of casing has
13 not been circulated and cemented into the surface, the well
14 may also be plugged in the manner provided in paragraph (3)
15 to a point approximately 300 feet below the bottom of the
16 coal protection-water string. In such case a 100-foot plug of
17 expanding cement shall then be placed in the well beginning
18 at the point approximately 300 feet below the bottom of the
19 coal protection-water string and extending to a point
20 approximately 200 feet below the bottom of the coal
21 protection-water string. A string of casing with an outside
22 diameter no less than four and one-half inches shall then be
23 run into the well to a point approximately 100 feet below the
24 bottom of the coal protection-water string and such string of
25 casing shall be circulated and cemented into the surface. The
26 casing and open hole shall then be emptied of liquid from a
27 point approximately 200 feet below the bottom of the coal
28 protection-water string to the surface and a vent or other
29 device approved by the department shall be installed on the
30 top of the string of casing in such a manner that it will

1 prevent liquids and solids from entering the well but will
2 permit ready access to the full internal diameter of the coal
3 protection string of casing when required. The string of
4 casing and the vent or other device approved by the
5 department shall extend, when finally in place, a distance of
6 no less than 72 inches above ground level and shall be
7 permanently marked with the well number assigned by the
8 department.

9 (b) Where the owner or operator of the gas well proposes to
10 plug a gas well drilled prior to November 30, 1955 or a gas well
11 permitted after such date but not plugged in accordance with the
12 provisions of subsection (a), for the purpose of allowing the
13 mining through of the gas well, the gas well shall be cleaned
14 out to a depth at least 200 feet below the coal seam in which
15 the mining through is proposed and, unless impracticable, to a
16 point 200 feet below the lowest mineable coal seam. Such gas
17 well shall then be plugged in accordance with subsection (a)(1),
18 (2), (3) or (4) whichever shall be applicable.

19 (c) Any person may apply to the department for an order
20 authorizing him to clean out, plug or replug a nonproducing
21 well. Such application shall be filed with the department and
22 shall contain the well number, a general description of the well
23 location, the name and address of the owner of the surface land
24 upon which the well is located, a copy of or record reference to
25 a deed, lease or other document which entitles the applicant to
26 enter upon the surface land, and a description of the method by
27 which such applicant proposes to clean out and replug or to plug
28 the well. At the time such application is filed with the
29 department, the person plugging the well shall mail by
30 registered or certified mail a copy of the application to the

1 owner or owners of the land, and the oil and gas lessor and
2 lessee of record, if any, of the site of the well. If no
3 objection to the plugging or replugging of such well is filed by
4 any such landowner, lessor or lessee within 30 days after the
5 filing of the application, and if the applicant proposes to plug
6 the well in accordance with subsection (a)(1) or (2), whichever
7 is applicable, then the applicant may proceed with the cleaning
8 out, plugging or replugging.

9 (d) Notwithstanding the foregoing provisions of this
10 section, if under particular circumstances a different method of
11 plugging is required to obtain the approval of the Federal
12 Government for the safe mining through of said gas well, OR, IF <—
13 A DIFFERENT METHOD OF PLUGGING IS NECESSARY DUE TO WELL
14 CONSTRUCTION, SAFETY CONSIDERATIONS, GEOLOGICAL CONSIDERATION OR
15 OTHER SPECIFIC CONDITIONS FOUND IN THE WELL, the department may
16 ORDER OR approve such different method of plugging if it finds <—
17 the same to be as safe for mining through and otherwise adequate
18 to prevent gas or other fluid migration from the oil and gas
19 reservoirs as the methods above specified.

20 (E) PRIOR TO THE PLUGGING OF ANY GAS WELL IN AN AREA <—
21 UNDERLAIN BY A WORKABLE COAL SEAM, THE WELL OPERATOR OR OWNER OR
22 SUCH OTHER PERSONS AS MAY BE AUTHORIZED UNDER SUBSECTION (C)
23 SHALL NOTIFY THE COAL OWNER AND THE DEPARTMENT OF HIS INTENTION
24 TO PLUG ANY SUCH WELL AND SUBMIT A PLAT, ON A FORM TO BE
25 FURNISHED BY THE DEPARTMENT, SHOWING THE LOCATION OF THE WELL
26 AND FIXING THE DATE AND TIME AT WHICH THE WORK OF PLUGGING WILL
27 BE COMMENCED, WHICH TIME SHALL BE NOT LESS THAN 72 HOURS AFTER
28 THE TIME WHEN SUCH NOTICE IS RECEIVED, NOR MORE THAN 30 DAYS
29 THEREAFTER IN ORDER THAT THEIR REPRESENTATIVES MAY BE PRESENT AT
30 THE PLUGGING OF THE WELL. SUCH NOTICE MAY BE WAIVED BY THE

1 DEPARTMENT AND SAID COAL OWNER AND EITHER OF THEM MAY LIKEWISE
2 WAIVE THEIR RIGHT TO BE PRESENT BUT SUCH WAIVER BY THE COAL
3 OWNER SHALL BE IN WRITING AND A COPY THEREOF ATTACHED TO NOTICE
4 OF PLUGGING, FILED WITH THE DEPARTMENT UNDER THIS SECTION.
5 WHETHER OR NOT SUCH REPRESENTATIVES APPEAR, THE WELL OPERATOR
6 MAY, IF HE HAS FULLY COMPLIED WITH THE REQUIREMENTS OF THIS
7 SECTION, PROCEED AT THE TIME FIXED, TO PLUG THE WELL IN THE
8 MANNER PRESCRIBED BY THIS ACT. WHEN SUCH PLUGGING HAS BEEN
9 COMPLETED, A CERTIFICATE SHALL BE PREPARED AND SIGNED, ON A FORM
10 TO BE FURNISHED BY THE DEPARTMENT, BY TWO EXPERIENCED AND
11 QUALIFIED PEOPLE WHO PARTICIPATED IN THE WORK SETTING FORTH THE
12 TIME AND MANNER IN WHICH THE WELL HAS BEEN PLUGGED. ONE COPY OF
13 THIS CERTIFICATE SHALL BE MAILED TO THE COAL OWNER TO WHOM
14 NOTICE WAS GIVEN AND ANOTHER COPY SHALL BE MAILED TO THE
15 DEPARTMENT.

16 Section 14. Appeals and enforcement.

17 (a) Appeals of all final actions of the department shall be
18 taken to the Environmental Hearing Board pursuant to the
19 provisions of the act of April 9, 1929 (P.L.177, No.175), known
20 as The Administration Code of 1929.

21 (b) The Environmental Hearing Board shall conduct expedited
22 hearings and issue its decisions promptly whenever it appears
23 that delay in issuing a permit or uncertainty with respect to
24 the validity of a permit will result in the loss of any right,
25 title, lease, option to lease or other proprietary interest.

26 (c) The courts of common pleas and, in the case an action
27 brought by the department, the Commonwealth Court and courts of
28 common pleas shall have the power to award injunctions to
29 prevent violations of this act and to otherwise provide for its
30 enforcement upon suit brought by the department or by any person

1 having an interest in a workable coal seam or any owner or
2 operator of an active coal mine who may be adversely affected by
3 violations of this act.

4 SECTION 15. PENALTIES.

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5 (A) ANY PERSON WHO FAILS TO PLUG A GAS WELL PENETRATING A
6 WORKABLE COAL SEAM IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED
7 BY SECTION 13 IS GUILTY OF A SUMMARY OFFENSE AND, UPON
8 CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT MORE
9 THAN \$300 OR UNDERGO IMPRISONMENT OF NOT MORE THAN 90 DAYS, OR
10 BOTH. EACH DAY'S CONTINUANCE OF SUCH VIOLATION SHALL BE A
11 SEPARATE AND DISTINCT OFFENSE.

12 (B) ANY PERSON WHO WILLFULLY FAILS TO PLUG A GAS WELL
13 PENETRATING A WORKABLE COAL SEAM IN ACCORDANCE WITH THE
14 PROCEDURES PRESCRIBED BY SECTION 13 IS GUILTY OF A MISDEMEANOR
15 AND, UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE
16 OF NOT MORE THAN \$5,000, OR UNDERGO IMPRISONMENT OF NOT MORE
17 THAN ONE YEAR, OR BOTH. EACH DAY'S CONTINUANCE OF SUCH VIOLATION
18 SHALL BE A SEPARATE AND DISTINCT OFFENSE.

19 (C) EXCEPT AS PROVIDED IN SUBSECTIONS (A) AND (B), ANY
20 PERSON VIOLATING ANY PROVISION OF THIS ACT SHALL BE SUBJECT TO
21 THE PENALTY PROVISIONS PROVIDED BY SECTION 504 OF THE GAS
22 OPERATIONS WELL DRILLING PETROLEUM AND COAL MINING ACT.

23 SECTION 16. CIVIL PENALTIES.

24 IN ADDITION TO PROCEEDING UNDER ANY OTHER REMEDY AVAILABLE AT
25 LAW OR IN EQUITY FOR A VIOLATION OF SECTION 13 OR ANY ORDER OF
26 THE DEPARTMENT, THE ENVIRONMENTAL HEARING BOARD, AFTER HEARING,
27 MAY ASSESS A CIVIL PENALTY UPON A PERSON FOR SUCH VIOLATION.
28 SUCH A PENALTY MAY BE ASSESSED WHETHER OR NOT THE VIOLATION WAS
29 WILLFUL. THE CIVIL PENALTY SO ASSESSED SHALL NOT EXCEED \$25,000,
30 PLUS \$1,000 FOR EACH DAY OF CONTINUED VIOLATION. IN DETERMINING

1 THE AMOUNT OF THE CIVIL PENALTY, THE BOARD SHALL CONSIDER THE
2 WILLFULNESS OF THE VIOLATION, DAMAGE OR INJURY TO THE NATURAL
3 RESOURCES OF THE COMMONWEALTH OR THEIR USES, ENDANGERMENT OF THE
4 SAFETY OF OTHERS, COSTS OF REMEDYING THE HARM, SAVINGS RESULTING
5 TO THE PERSON IN CONSEQUENCE OF SUCH VIOLATION AND OTHER
6 RELEVANT FACTORS. IT SHALL BE PAYABLE TO THE COMMONWEALTH AND
7 SHALL BE COLLECTIBLE IN ANY MANNER PROVIDED AT LAW FOR THE
8 COLLECTION OF DEBTS. IF ANY PERSON LIABLE TO PAY ANY SUCH
9 PENALTY NEGLECTS OR REFUSES TO PAY THE SAME AFTER DEMAND, THE
10 AMOUNT, TOGETHER WITH INTEREST AND ANY COSTS THAT MAY ACCRUE,
11 SHALL BE A LIEN IN FAVOR OF THE COMMONWEALTH UPON THE PROPERTY,
12 BOTH REAL AND PERSONAL, OF SUCH PERSON BUT ONLY AFTER SAME HAS
13 BEEN ENTERED AND DOCKETED OF RECORD BY THE PROTHONOTARY OF THE
14 COUNTY WHERE SUCH IS SITUATED. THE BOARD MAY, AT ANY TIME,
15 TRANSMIT TO THE PROTHONOTARIES OF THE RESPECTIVE COUNTIES
16 CERTIFIED COPIES OF ALL SUCH LIENS AND IT SHALL BE THE DUTY OF
17 EACH PROTHONOTARY TO ENTER AND DOCKET THE SAME OF RECORD IN HIS
18 OFFICE AND INDEX THE SAME AS JUDGMENTS ARE INDEXED, WITHOUT
19 REQUIRING THE PAYMENT OF COSTS AS A CONDITION PRECEDENT TO THE
20 ENTRY THEREOF.

21 SECTION 17. VALIDITY OF OTHER LAWS.

22 THIS ACT SHALL NOT BE CONSTRUED TO REPEAL OR OTHERWISE
23 INVALIDATE ANY PROVISION OF THE GAS OPERATIONS WELL-DRILLING
24 PETROLEUM AND COAL MINING ACT, EXCEPT THOSE PROVISIONS
25 ENUMERATED IN SECTION 13.

26 Section ~~15~~ 18. Severability.

27 The provisions of this act are severable. If any provision of
28 this act or its application to any person or circumstances is
29 held invalid, the invalidity shall not affect other provisions
30 or applications of this act which can be given effect without

1 the invalid provision or application.

2 Section ~~16~~ 19. Effective date.

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3 This act shall take effect in 90 days.