

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1473 Session of 2010

INTRODUCED BY WILLIAMS, FONTANA, TARTAGLIONE, WASHINGTON,
RAFFERTY, O'PAKE, COSTA AND ERICKSON, SEPTEMBER 20, 2010

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, SEPTEMBER 20,
2010

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," providing
17 for hydraulic fracturing chemicals and surface impoundments
18 and for hydraulic fracture fluids monitoring.

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

21 Section 1. The act of December 19, 1984 (P.L.1140, No.223),
22 known as the Oil and Gas Act, is amended by adding sections to
23 read:

24 Section 208.1. Hydraulic fracturing chemicals and surface
25 impoundments.

1 (a) Notwithstanding a trade secret claim, a well operator
2 shall file a report with the department for each well that is
3 drilled using the hydraulic fracturing process within 30 days of
4 completion of such well. The report shall include, without
5 limitation, the complete list of the chemicals and chemical
6 compounds used in the fracturing fluid products, specifying the
7 volume of fluid utilized in each separate hydraulic fracturing
8 operation and the Chemical Abstract Service registry number for
9 each constituent chemical. The department shall make the report
10 available to the public on the department's publicly available
11 Internet website.

12 (b) (1) In case of a medical emergency, the well operator
13 shall provide the concentration of each constituent chemical
14 and the formula for each chemical compound to medical
15 emergency personnel or local emergency personnel, or both.

16 (2) All documents, materials and other information
17 provided under this subsection shall be considered
18 confidential and shall not be released or disclosed to the
19 public by the recipients or any other medical or emergency
20 personnel with access to the documents, materials and other
21 information. Upon the lawful order of a court of competent
22 jurisdiction, any documents, materials and other information
23 shall be released. A person who violates this paragraph
24 commits a misdemeanor of the third degree.

25 (c) The well operator shall keep a copy of the report at the
26 well site and produce it upon request by the department, local
27 emergency personnel or surface landowners residing within 5,500
28 feet of the well.

29 Section 208.2. Hydraulic fracture fluids monitoring.

30 For each individual hydraulic fracturing operation performed

1 at a well site, the well operator shall maintain the data
2 indicating the total volume of fracturing fluids used for the
3 operation as well as the total volume of fluids that returned to
4 the surface. The well operator shall compile the data and the
5 necessary records to support the data, and submit it to the
6 department on a semi-annual basis.

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