

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 348 Session of  
2015

INTRODUCED BY YUDICHAK, FONTANA, GREENLEAF, HUGHES, COSTA,  
SCHWANK AND TARTAGLIONE, JANUARY 28, 2015

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 28, 2015

AN ACT

1 Amending the act of June 28, 1995 (P.L.89, No.18), entitled "An  
2 act creating the Department of Conservation and Natural  
3 Resources consisting of certain functions of the Department  
4 of Environmental Resources and the Department of Community  
5 Affairs; renaming the Department of Environmental Resources  
6 as the Department of Environmental Protection; defining the  
7 role of the Environmental Quality Board in the Department of  
8 Environmental Protection; making changes to responsibilities  
9 of the State Conservation Commission and the Department of  
10 Agriculture; transferring certain powers and duties to the  
11 Department of Health; and repealing inconsistent acts,"  
12 further providing for forests.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 302(b)(11) of the act of June 28, 1995  
16 (P.L.89, No.18), known as the Conservation and Natural Resources  
17 Act, is amended and subsection (a) is amended by adding  
18 paragraphs to read:

19 Section 302. Forests.

20 (a) Acquisition, establishment and disposition.--The  
21 department has the following powers and duties with respect to  
22 the acquisition, establishment and disposition of State forest  
23 lands and certain other Commonwealth-owned resources:

1           \* \* \*

2           (14) Prior to entering into any agreement, contract or  
3 lease to recover natural gas from unconventional formations  
4 with unconventional wells on lands underlying State forests  
5 or parks, to hold at least one public hearing in advance of  
6 awarding any agreement, contract or lease. The public hearing  
7 shall be held pursuant to public notice and advertised once a  
8 week for three weeks in at least two newspapers published  
9 nearest the locality indicated. If, after the public hearing  
10 held upon the proposed agreement, contract or lease, the  
11 proposed agreement, contract or lease is substantially  
12 revised, the department shall hold another public hearing  
13 pursuant to public notice, before proceeding to act on the  
14 agreement, contract or lease.

15          (15) Prior to entering into any agreement, contract or  
16 lease for the recovery of natural gas where the Commonwealth  
17 does not own the natural gas underlying those lands, and  
18 after the public hearing held pursuant to paragraph (14), if  
19 the department finds that because of the land's unique  
20 environmental, natural, historical or cultural features, the  
21 land is especially worthy of permanent preservation to  
22 attempt to acquire ownership of any rights necessary to  
23 permanently preserve the land. In fulfilling the obligations  
24 of this paragraph, the department may use money in the Oil  
25 and Gas Lease Fund to the extent it is available.

26          (b) Utilization and protection.--The department has the  
27 following powers and duties with respect to the utilization and  
28 protection of State forest lands:

29           \* \* \*

30          (11) To lease, with the approval of the Governor, and in

1 cooperation with the Department of [Commerce] Community and  
2 Economic Development, those State forest lands acquired by  
3 gift from Pennsylvania State University or by acquisition  
4 from the Curtiss-Wright Corporation which are located at  
5 Quehanna, Pennsylvania, or recovered through the termination  
6 of a lease with Curtiss-Wright Corporation relating to  
7 Quehanna, Pennsylvania, and upon which are erected certain  
8 industrial buildings constructed by the Curtiss-Wright  
9 Corporation for industrial or economic development purposes  
10 or for nuclear reactor safety zone purposes. Such leases may  
11 be made with industrial tenants or nonprofit industrial  
12 development corporations. The department in securing tenants  
13 shall cooperate fully with the Department of [Commerce]  
14 Community and Economic Development. Every such lease entered  
15 into shall conform in general to the terms of the standard  
16 industrial lease used by the department and approved by the  
17 General Counsel and the Attorney General. Every such lease  
18 shall otherwise than as in this act prescribed be upon such  
19 terms and conditions as the secretary considers in the best  
20 interests of this Commonwealth. However, all paved roads  
21 through the Quehanna project shall remain open to the general  
22 public use. Any such lease may permit the tenant to alter or  
23 expand, at its own expense and with the approval of the  
24 department first obtained in writing, existing buildings to  
25 meet the requirements of its particular industrial operation.  
26 Every such lease shall provide for the deposit of industrial  
27 floor space rentals and sewage and water rentals in a  
28 restricted revenue account from which the department may draw  
29 moneys for use in developing, operating and maintaining the  
30 water and sewage disposal facilities, and replacing

1 machinery, equipment and fixtures appurtenant thereto, at  
2 aforesaid Quehanna. The restricted revenue account shall be  
3 audited two years from the effective date of this act and at  
4 two-year intervals thereafter, with any residue appearing in  
5 the account at the end of each auditing period to be  
6 deposited in the General Fund. The department is hereby  
7 authorized to indemnify and hold harmless PermaGrain  
8 Products, Inc., from and against any and all damages incurred  
9 by PermaGrain Products, Inc., related to personal injury or  
10 property damage, resulting from radioactive contamination  
11 arising exclusively from performance by this Commonwealth or  
12 its contractors of the characterization, remediation,  
13 decontamination and removal of radioactive materials from  
14 contaminated structures on those State forest lands acquired  
15 from the Pennsylvania State University or Curtiss-Wright  
16 Corporation and located at Quehanna, Pennsylvania.

17 \* \* \*

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