

MEMORANDUM

TO: All House Members

FROM: Representative Phyllis Mundy

DATE: January 6, 2011

SUBJECT: Co-Sponsorship of Legislation
Amending the Oil and Gas Act to restrict drilling within a floodplain, control erosion and sedimentation and waste disposal

I will soon re-introduce legislation (former House Bill 2694 of the 2009-2010 Legislative Session) that will amend the Oil and Gas Act of 1984 to restrict the preparation of a well site or the drilling of a well within a floodplain. The legislation will also strengthen well location requirements, change erosion and sediment control permit requirements, require DEP to evaluate and track waste from Marcellus Shale wells, and require a collaborative, comprehensive study on the cumulative impacts of all anticipated oil and gas activities throughout the Commonwealth.

This legislation will compel DEP to require an erosion and sediment control permit for all earth disturbance activities associated with oil and gas activities in the Commonwealth. The permit may only be approved if, after a site visit, DEP finds that the permit application contains an erosion and sediment control plan and a stormwater management plan that are sufficient to meet requirements under The Clean Streams Law and other environmental regulations and requirements as prescribed in this legislation.

Additionally, my proposal will establish a moratorium during which no new discharges of wastewater from oil and gas activities to surface waters of this Commonwealth may be permitted. Within three years of the effective date of the moratorium, DEP would be required to complete an evaluation of non-discharge alternatives of such wastewater, including deep well injection. The aforementioned moratorium will expire upon completion of the evaluation. If upon completion of the evaluation DEP finds that non-discharge alternatives are environmentally safe, the department would be required to prohibit the discharge of wastewater from oil and gas activities and require disposal by non-discharge alternatives. Also, within 180 days of the effective date of the moratorium, DEP would be required to establish a readily accessible, online electronic tracking system for the reporting and tracking of storage, transportation and disposal of waste from oil and gas activities.

Lastly, this legislation will require DEP, DCNR, the Fish and Boat Commission, and the Game Commission to jointly complete a comprehensive study of the probable cumulative impacts of all anticipated oil and gas activities in the Commonwealth.

PRIOR CO-SPONSORS:

MUNDY, BOBACK, BRIGGS, CALTAGIRONE, CARROLL, DALEY, FREEMAN, GOODMAN, McILVAINE SMITH, MURPHY, MURT, M. O'BRIEN, PASHINSKI, PAYTON, SIPTROTH, STURLA, YOUNGBLOOD and JOSEPHS

If you would like to co-sponsor this legislation, please contact Kris Bernard in my office at 717-783-1614 or via e-mail at kbernard@pahouse.net.