

AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated
2 Statutes, in development, further providing for definitions;
3 providing for impoundments; and further providing for
4 relationship to solid waste and surface mining.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 3203 of Title 58 of the Pennsylvania
8 Consolidated Statutes is amended by adding definitions to read:

9 § 3203. Definitions.

10 The following words and phrases when used in this chapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 * * *

14 "Closed containment system." A containment system that
15 consists of closed noncorrosive tanks or containers in which
16 produced fluids, freshwater, treated water, hydraulic fracturing
17 fluid or industrial wastes are stored or contained before,
18 during or after the hydraulic fracturing process.

1 "Closed loop system." A containment system comprised of a
2 series of interconnected, enclosed noncorrosive storage tanks or
3 containers which separate liquids, such as produced fluids,
4 freshwater, treated water, hydraulic fracturing fluid or
5 industrial wastes from solids, minimizing the amount of drilling
6 waste and drill cuttings that require disposal, while maximizing
7 the amount of drilling fluid which can be recycled and reused in
8 the hydraulic fracturing process.

9 * * *

10 "Impoundment." An open pit, pond, lake, lagoon or trench
11 used for the containment of fresh water, produced fluids,
12 treated water, hydraulic fracturing fluid or industrial wastes
13 that are used in or produced by the practice of hydraulic
14 fracturing.

15 * * *

16 Section 2. Title 58 is amended by adding a section to read:
17 § 3228. Impoundments.

18 An operator may not utilize an impoundment for the use of
19 storing any produced liquids, treated water, hydraulic
20 fracturing fluid or industrial wastes and shall utilize only
21 closed containment systems or closed loop systems for the
22 storage of those materials.

23 Section 3. Section 3273.1(a) of Title 58 is amended to read:
24 § 3273.1. Relationship to solid waste and surface mining.

25 (a) General rule.--The obligation to obtain a permit and
26 post a bond under Articles III and V of the act of July 7, 1980
27 (P.L.380, No.97), known as the Solid Waste Management Act, and
28 to provide public notice under section 1905-A(b) (1) (v) of the
29 act of April 9, 1929 (P.L.177, No.175), known as The
30 Administrative Code of 1929, for any [pit, impoundment,] method

1 or facility employed for the disposal, processing or storage of
2 residual wastes generated by the drilling of an oil or gas well
3 or from the production of wells which is located on the well
4 site, shall be considered to have been satisfied if the owner or
5 operator of the well meets the following conditions:

6 (1) the well is permitted under the requirements of
7 section 3211 (relating to well permits) or registered under
8 section 3213 (relating to well registration and
9 identification);

10 (2) the owner or operator has satisfied the financial
11 security requirements of section 3225 (relating to bonding)
12 by obtaining a surety or collateral bond for the well and
13 well site; and

14 (3) the owner or operator maintains compliance with this
15 chapter and applicable regulations of the Environmental
16 Quality Board.

17 * * *

18 Section 4. This act shall take effect in 60 days.