

COAL AND GAS RESOURCE COORDINATION ACT
Act of Dec. 18, 1984, P.L. 1069, No. 214
AN ACT

Cl. 58

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

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

Section 1. Short title.

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

Section 2. Definitions.

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

"Active coal mine." That portion of a workable coal seam which is shown on the five-year timing map prepared by the mine operator and provided to the Department of Environmental Protection upon issuance of a new permit, an amendment to an existing permit adding additional area to be mined, or renewal of an existing permit, and which is contiguous to the permit area of any operating coal mine. For purposes of this act:

(1) A five-year timing map shall include the area of the workable coal seam which may reasonably be expected to be mined and permitted for mining by the operator during the five-year period beyond the projected completion of the mining of the currently permitted area.

(2) All five-year timing maps shall be considered confidential by the department, provided, however, that the department shall provide a copy of the timing map upon request to any person who currently either operates one or more oil or gas wells, or holds a valid permit to drill an oil or gas well in this Commonwealth, and who can document a valid existing right to develop the oil or gas under any

portion of the timing map. The party obtaining access to the map shall treat the timing map and the information contained therein as confidential.

(3) In the case of currently permitted mines, the mine operator shall provide the current five-year timing map to the department within 30 days of the effective date of this paragraph.

(Def. amended May 13, 2011, P.L.7, No.2)

"Department." The Department of Environmental Protection.

(Def. amended May 13, 2011, P.L.7, No.2)

"Gas." A natural, manufactured or byproduct gas or any mixture thereof.

"Gas Operations Well-Drilling Petroleum and Coal Mining Act."

(Def. deleted by amendment May 13, 2011, P.L.7, No.2)

"Gas well." A well which is producing or capable of producing marketable quantities of gas or of gas and oil with a gas-oil ratio of more than 100 MCF per bbl. of oil.

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

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

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

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

"Oil and Gas Act." The act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act. (Def. added May 13, 2011, P.L.7, No.2)

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

"Oil well." A well which produces oil in marketable quantities or oil and gas with a gas-to-oil ratio of less than 100 MCF per barrel, or bbl., of oil.

"Onondaga horizon." The top of the onondaga formation, except in those areas in which the onondaga formation is not present, and in such areas the term shall be understood to mean either the top of the stratigraphic horizon first appearing in the interval of the missing onondaga formation, or, where strata older than the top of the onondaga are exposed at the surface, then the term "onondaga horizon" shall mean the surface.

"Operating coal mine." That portion of a workable coal seam which is covered by an underground mining permit issued by the Department of Environmental Protection. (Def. amended May 13, 2011, P.L.7, No.2)

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

"Permittee." The well operator who has received a drilling permit in accordance with the act of December 19, 1984

(P.L.1140, No.223), known as the Oil and Gas Act. (Def. amended May 13, 2011, P.L.7, No.2)

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

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

"Storage well." A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for the monitoring or observation of reservoir pressure.

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

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

"Workable coal seam." Includes:

(1) A coal seam in fact being mined in the area in question under this act by underground methods.

(2) A coal seam which, in the judgment of the Department of Environmental Protection, can reasonably be expected to be mined by underground methods.

(Def. amended May 13, 2011, P.L.7, No.2)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 3. Applicability; exclusions.

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

(b) This act shall not apply to any:

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

(2) Oil well, injection well or storage well, except to the extent that such wells are considered "other wells" for the purposes of section 7.

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

Section 4. Powers and duties of department.

(a) The department shall have the power to issue such orders as are necessary to aid in the enforcement of the provisions of this act.

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

(1) Limit production or output, or prorate production of any gas well above the onondaga horizon.

(2) Fix prices of natural gas.

(c) The powers and duties of the department shall be strictly construed and limited to those set forth herein. Section 5. Permits.

No person shall be issued a permit pursuant to the Oil and Gas Act to drill a new gas well unless the provisions of this act are met.

(5 amended May 13, 2011, P.L.7, No.2)

Section 6. Permit application and well completion.

(a) All permit applications made pursuant to the Oil and Gas Act for a gas well covered by this act shall include a certification that the gas well will be located so that it will comply with the minimum distance requirements set forth in section 7, including any exception granted by the department pursuant to section 7(b), (c) and (d).

(b) All permit applications made pursuant to the Oil and Gas Act for a gas well covered by this act shall be processed by the department in the order in which they are received. No such permit application shall be deemed complete unless all information necessary to process the permit in compliance with this act has been received by the department, including all information necessary to act on any exception requested pursuant to section 7(b), (c) and (d).

(c) In any case where two or more permits have been applied for or issued by the department, pursuant to the Oil and Gas Act, for gas wells covered by this act, and gas wells covered by the permits or applications cannot be drilled without violating the provisions of section 7, the department shall notify each affected permit applicant or permittee.

(d) (1) In any case where two or more permits have been applied for or issued by the department, pursuant to the Oil and Gas Act for gas wells covered by this act, and all gas wells covered by the permits or permit applications cannot be drilled without violating the provisions of section 7, the first permitted gas well for which drilling is commenced shall determine compliance of the remaining proposed gas wells with section 7.

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

(e) Within 60 days of completion of drilling operations of a well, the operator shall supply to the coal owner a copy of the portion of any wellbore deviation survey obtained in the subject well between the surface and to a point below the deepest known coal seam encountered during the drilling operation.

(f) All permit applications made pursuant to the Oil and Gas Act which will penetrate an operating coal mine shall be accompanied by the written consent of the operator of such coal mine to the proposed location of the well.

(g) Any person applying for a permit under the Oil and Gas Act shall forward, by certified mail, a copy of the plat required under section 201(b) of the Oil and Gas Act to the coal owner if coal rights have been severed from the surface where the well is to be drilled or altered, regardless of whether the coal seam is workable.

(6 amended May 13, 2011, P.L.7, No.2)

Section 7. Minimum distance between gas wells.

(a) No permit for a gas well covered by this act may be issued to drill a new gas well, or reopen a gas well which has

been plugged in accordance with the Oil and Gas Act, unless the proposed gas well is located not less than 1,000 feet from any other well. For the purpose of this section, "other well" shall not include any:

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

(2) Oil or gas well or injection well which has been plugged in accordance with this act or any other act of this Commonwealth which would meet State and Federal requirements for the safe mining through of a gas well.

(3) Nonproducing oil or gas well which was drilled and abandoned prior to November 30, 1955.

(4) Storage well.

((a) amended May 13, 2011, P.L.7, No.2)

(b) The department shall, upon request of the permit applicant or the owner of the workable coal seam which underlies the proposed gas well, grant an exception from the minimum 1,000 feet distance requirement of subsection (a), where the permit applicant and the owner of the workable coal seam consent in writing. ((b) amended May 13, 2011, P.L.7, No.2)

(c) The department shall, upon the request of the permit applicant or the owner of the workable coal seam which underlies the proposed gas well, grant an exception to the requirements of subsection (a), where the vertical distance between the producing formation of the proposed gas well and the producing formation of any other well is 1,000 feet or greater, where the permit applicant and the owner of the workable coal seam consent in writing.

(d) Notwithstanding any other provisions of this section, no permit for a gas well covered by this act which is intended to be part of a well cluster shall be issued unless the well cluster is located not less than 2,000 feet from the nearest well cluster as measured from the center of the well bore of the nearest well, unless the permit applicant and the owner of the workable coal seam consent in writing to spacing the well clusters closer than 2,000 feet. The well location limitations imposed in subsection (a) shall not be applicable between and among wells located within the same well cluster. ((d) added May 13, 2011, P.L.7, No.2)

(e) The Environmental Quality Board may promulgate regulations modifying the maximum area of a well cluster based upon the study required under section 12.1. In the event the permit applicant and the owner of the workable coal seam cannot agree on the spacing of well clusters, either party may invoke the procedures of section 12(c), (d), (e) and (f) in order to reach an agreement. When a well cluster will penetrate a workable coal seam which is not part of an active mine, the applicant for the gas well shall provide the owner of the coal seam with a copy of the plat, and the owner of the coal seam shall have 15 days from receipt of the plat to provide recommendations to the applicant for the gas well on the location of the well cluster. ((e) added May 13, 2011, P.L.7, No.2)

(f) For purposes of this section, a "well cluster" shall mean an area within a well pad intended to host multiple horizontal wells and which comprises an area no greater than 5,000 square feet. ((f) added May 13, 2011, P.L.7, No.2)

(7 amended Nov. 29, 2004, P.L.1341, No.171)

Section 8. Voluntary agreements. (8 deleted by amendment Nov. 29, 2004, P.L.1341, No.171)

Section 9. Validity of voluntary agreements. (9 deleted by amendment Nov. 29, 2004, P.L.1341, No.171)

Section 10. Well class designation.

(a) Within one year of the effective date of this act, the department shall serve written notice on the permittee of record of all gas wells permitted under the Oil and Gas Act and which penetrate a workable coal seam that the permittee must designate his gas well as nonproducing, inoperative or producing as those terms are defined in this act. ((a) amended May 13, 2011, P.L.7, No.2)

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

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

Section 11. Renewal of inoperative status.

A gas well which has been designated as inoperative pursuant to section 10(b) shall be declared a nonproducing gas well by the department if it does not become a producing gas well within five years of the date the permittee designates it as inoperative, unless prior to expiration of the five-year period the permittee certifies, in writing, to the department that it will become a producing gas well within two years and that it otherwise qualifies as an inoperative gas well as defined in this act.

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

(a) When a proposed gas well or well cluster is located above an active coal mine, then the owner of the coal mine may, within ten days from the receipt by the department of the plat and notice required by the Oil and Gas Act, file objections, in writing, to such proposed drilling with the department, setting out in detail the ground or grounds upon which the objections are based. ((a) amended May 13, 2011, P.L.7, No.2)

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

(c) In the event the well operator and the objecting coal owner or operator are unable to agree upon a drilling location, their differences shall be submitted to a panel consisting of one person selected by the objecting coal owners or operators, a second person selected by the permit applicant and a third selected by the other two. Each party shall pay the fee of the panel member it selects and one-half the fee of the third member. The panel shall convene a meeting within ten days of a request to do so by either the permit applicant or the objecting coal owner or operator.

(d) The parties shall submit their positions to the panel within such time as the panel prescribes. The panel shall receive such written or oral information as it deems appropriate. Based on the information it receives, the panel shall choose the location, if any, on the permit applicant's tract which:

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

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

In determining what location allows for the maximum recovery of gas and removal of coal, the panel shall weigh the additional cost, including the value of any oil or gas which will be lost, of drilling in a location other than the one designated by the permit applicant against the costs, including the value of coal which will be lost, which will be incurred by the objecting

coal owner or operator by allowing the drilling to take place at the location designated by the permit applicant.

(e) The panel shall make its recommendation within ten days of the close of the meeting and shall immediately submit it to the department, to the collective bargaining representative of the employees of the coal operator and to the parties to this proceeding. Within 20 days from receipt of a panel's recommendation, the department shall proceed to issue a permit with the location of the gas well as recommended by the panel unless the department, pursuant to its authority under the Oil and Gas Act, has determined that the well cannot be safely drilled at such location. When such a determination is made by the department, it shall so notify the panel, stating its reasons for the rejection, and direct the panel to submit another recommendation within ten days for an alternate location of the gas well on such tract of land. Upon issuance of the permit, the location as determined by the department shall be indicated on the plat on file with the department, and the distance and direction of the new location, if any, from the original location shall be shown and the plat shall be filed and become a permanent record. ((e) amended May 13, 2011, P.L.7, No.2)

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

(g) ((g) deleted by amendment May 13, 2011, P.L.7, No.2)
Section 12.1. Pillar support study.

(a) The purpose of this section is to conduct a comprehensive evaluation and update of the Joint Coal and Gas Committee Gas Well Pillar Study commissioned in 1956 by the Department of Mines and Mineral Industries.

(b) Within 60 days of the effective date of this section, the department shall commission an independent study to conduct an assessment of the following:

(1) The appropriate pillar size around an active well, an inactive well, a well cluster, an inactive well cluster, a plugged well cluster or a plugged well necessary to ensure the integrity of the well, to furnish adequate protection to the workable coal seam and to ensure the safety and protection of coal miners.

(2) Any additional criteria or standards that should be considered by the department when considering the approval of pillars around an oil or gas well which penetrates a workable coal seam.

(c) The independent expert shall solicit input, recommendations, data and other relevant information from representatives of the department, the coal industry and the gas industry as part of its assessment.

(d) The assessment required under subsection (b) shall be submitted to the department within 240 days of the effective date of this section and published in the Pennsylvania Bulletin.

(12.1 added May 13, 2011, P.L.7, No.2)

Section 13. Plugging gas wells penetrating workable coal seams.

(a) The owner or permittee of any gas well which is required to be plugged pursuant to the Oil and Gas Act, which penetrates a workable coal seam and which has not already been plugged as required by Pennsylvania law, shall securely plug the well using any one of the following techniques, except as provided in subsection (b) and depending on whether the coal-protection string of casing has been circulated and cemented into the surface: ((a) intro. par. amended May 13, 2011, P.L.7, No.2)

(1) Where a coal protection string of casing has been circulated and cemented into the surface, the well shall be

filled with sand pumpings, mud or other equally nonporous material from the bottom of the well to a point 20 feet above the top of the lowest stratum bearing or having borne oil, gas or water; or a permanent bridge shall be anchored 30 feet below the lowest stratum bearing or having borne oil, gas or water, and from such bridge the well shall be filled with sand pumpings, mud or other equally nonporous material to a point 20 feet above such stratum at which point there shall be placed a plug of expanding cement to a depth of at least 20 feet which will completely seal the hole. A sufficient lapse of time shall be allowed after the introduction of the expanding cement for it to set properly before proceeding. Between this sealing plug and a point 20 feet above the next higher stratum bearing or having borne oil, gas or water, the hole shall be either filled, or bridged and filled in the manner just described, and at such point there shall be placed another similar plug of expanding cement to a depth of at least 20 feet which will completely seal the hole. In like manner, the hole shall be filled and plugged, or bridged, filled and plugged with reference to each of the strata bearing or having borne oil, gas or water. Whenever such strata are not widely separated and are free from water, they may be grouped and treated as a single horizon, and the aforesaid filling and plugging may be performed as though there were but one horizon. An expanding cement plug shall be placed approximately ten feet below the bottom of the largest casing in the well and, from this point, to a point approximately 100 feet below the bottom of coal protection string of casing, the well shall be filled with sand pumpings, mud or other equally nonporous material. A 100-foot plug of expanding cement shall then be placed at a point just below the coal protection string of casing. After such plug has been securely placed in the well, the coal protection string of casing shall be emptied of liquid from the surface to a point 100 feet below the lowest workable coal seam or to the bottom of the coal protection string of casing, whichever is shallower. A vent or other device approved by the department shall then be installed on top of the coal protection string of casing in such a manner that will prevent liquids and solids from entering the well but will permit access to the full internal diameter of the coal protection string of casing when required. The coal protection string of casing and the vent or other device approved by the department shall extend, when finally in place, a distance of no less than 72 inches above ground level and shall be permanently marked with the well number assigned by the department.

(2) Where a coal protection string of casing has not been circulated and cemented into the surface, the well shall be plugged in the manner provided in paragraph (1), to a point approximately 200 feet below the lowest workable coal seam. A 100-foot plug of expanding cement shall then be placed in the well beginning at the point approximately 200 feet below the lowest workable coal bed and extending to a point approximately 100 feet below the lowest workable coal seam. A string of casing with an outside diameter not less than four and one-half inches shall then be run into the well to a point approximately 100 feet below the lowest workable coal seam and such string of casing shall be circulated and cemented into the surface. The casing shall then be emptied of liquid from a point approximately 100 feet below the lowest workable coal seam to the surface, and

a vent or other device approved by the department shall be installed on the top of the string of casing in such a manner that it will prevent liquids and solids from entering the well but will permit ready access to the full internal diameter of the coal protection string of casing when required. The string of casing and the vent or other device approved by the department shall extend, when finally in place, a distance of no less than 72 inches above ground level and shall be permanently marked with the well number assigned by the department.

(3) Where the coal protection-water string of casing has been circulated and cemented into the surface, the well may also be plugged by circulating with bentonite gel or other equally nonporous material. In such case an expanding cement plug or plugs shall then be set in such a way that each plug or plugs will extend from at least 50 feet below each stratum bearing or having borne oil, gas or water, to a point at least 100 feet above each stratum bearing or having borne oil, gas or water. The bentonite gel shall separate each expanding cement plug. Whenever such strata are not widely separated, they may be grouped or treated as a single stratum bearing or having borne oil, gas or water and a single expanding cement plug may be used. When the uncemented portion of the production string is removed during the plugging procedure, an expanding cement plug extending from the point where the production casing is separated to a point at least 50 feet above the point of separation shall be set. An expanding cement plug shall be set at a point at least 100 feet below the bottom of the coal protection-water string to a point at least 100 feet above the bottom of the coal protection-water string.

(4) Where a coal protection-water string of casing has not been circulated and cemented into the surface, the well may also be plugged in the manner provided in paragraph (3) to a point approximately 300 feet below the bottom of the coal protection-water string. In such case a 100-foot plug of expanding cement shall then be placed in the well beginning at the point approximately 300 feet below the bottom of the coal protection-water string and extending to a point approximately 200 feet below the bottom of the coal protection-water string. A string of casing with an outside diameter no less than four and one-half inches shall then be run into the well to a point approximately 100 feet below the bottom of the coal protection-water string and such string of casing shall be circulated and cemented into the surface. The casing and open hole shall then be emptied of liquid from a point approximately 200 feet below the bottom of the coal protection-water string to the surface and a vent or other device approved by the department shall be installed on the top of the string of casing in such a manner that it will prevent liquids and solids from entering the well but will permit ready access to the full internal diameter of the coal protection string of casing when required. The string of casing and the vent or other device approved by the department shall extend, when finally in place, a distance of no less than 72 inches above ground level and shall be permanently marked with the well number assigned by the department.

(b) Where the owner or operator of the gas well proposes to plug a gas well drilled prior to November 30, 1955, or a gas well permitted after such date but not plugged in accordance with the provisions of subsection (a), for the purpose of

allowing the mining through of the gas well, the gas well shall be cleaned out to a depth at least 200 feet below the coal seam in which the mining through is proposed and, unless impracticable, to a point 200 feet below the lowest mineable coal seam. Such gas well shall then be plugged in accordance with subsection (a) (1), (2), (3) or (4), whichever shall be applicable.

(c) Any person may apply to the department for an order authorizing him to clean out, plug or replug a nonproducing well. Such application shall be filed with the department and shall contain the well number, a general description of the well location, the name and address of the owner of the surface land upon which the well is located, a copy of or record reference to a deed, lease or other document which entitles the applicant to enter upon the surface land, and a description of the method by which such applicant proposes to clean out and replug or to plug the well. At the time such application is filed with the department, the person plugging the well shall mail, by registered or certified mail, a copy of the application to the owner or owners of the land and the oil and gas lessor and lessee of record, if any, of the site of the well. If no objection to the plugging or replugging of such well is filed by any such landowner, lessor or lessee within 30 days after the filing of the application and if the applicant proposes to plug the well in accordance with subsection (a) (1) or (2), whichever is applicable, then the applicant may proceed with the cleaning out, plugging or replugging.

(d) Notwithstanding the foregoing provisions of this section, if under particular circumstances a different method of plugging is required to obtain the approval of the Federal Government for the safe mining through of said gas well, or, if a different method of plugging is necessary due to well construction, safety considerations, geological consideration or other specific conditions found in the well, the department may order or approve such different method of plugging if it finds the same to be as safe for mining through and otherwise adequate to prevent gas or other fluid migration from the oil and gas reservoirs as the methods above specified.

(e) Prior to the plugging of any gas well in an area underlain by a workable coal seam, the well operator or owner or such other persons as may be authorized under subsection (c) shall notify the coal owner and the department of his intention to plug any such well and submit a plat, on a form to be furnished by the department, showing the location of the well and fixing the date and time at which the work of plugging will be commenced, which time shall be not less than 72 hours after the time when such notice is received, nor more than 30 days thereafter in order that their representatives may be present at the plugging of the well. Such notice may be waived by the department and said coal owner, and either of them may likewise waive their right to be present, but such waiver by the coal owner shall be in writing and a copy thereof attached to notice of plugging, filed with the department under this section. Whether or not such representatives appear, the well operator may, if he has fully complied with the requirements of this section, proceed at the time fixed, to plug the well in the manner prescribed by this act. When such plugging has been completed, a certificate shall be prepared and signed, on a form to be furnished by the department, by two experienced and qualified people who participated in the work setting forth the time and manner in which the well has been plugged. One copy of this certificate shall be mailed to the coal owner to whom

notice was given, and another copy shall be mailed to the department.

Section 14. Appeals and enforcement.

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

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

(c) The courts of common pleas and, in the case of an action brought by the department, the Commonwealth Court and courts of common pleas shall have the power to award injunctions to prevent violations of this act and to otherwise provide for its enforcement upon suit brought by the department or by any person having an interest in a workable coal seam or any owner or operator of an active coal mine who may be adversely affected by violations of this act.

Section 15. Penalties.

(a) Any person who fails to plug a gas well penetrating a workable coal seam in accordance with the procedures prescribed by section 13 is guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300 or undergo imprisonment of not more than 90 days, or both. Each day's continuance of such violation shall be a separate and distinct offense.

(b) Any person who willfully fails to plug a gas well penetrating a workable coal seam in accordance with the procedures prescribed by section 13 is guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$5,000 or undergo imprisonment of not more than one year, or both. Each day's continuance of such violation shall be a separate and distinct offense.

(c) Except as provided in subsections (a) and (b), any person violating any provision of this act shall be subject to the penalty provisions provided by Chapter 5 of the Oil and Gas Act. ((c) amended May 13, 2011, P.L.7, No.2)

Section 16. Civil penalties.

In addition to proceeding under any other remedy available at law or in equity for a violation of section 13 or any order of the department, the Environmental Hearing Board, after hearing, may assess a civil penalty upon a person for such violation. Such a penalty may be assessed whether or not the violation was willful. The civil penalty so assessed shall not exceed \$25,000, plus \$1,000 for each day of continued violation. In determining the amount of the civil penalty, the board shall consider the willfulness of the violation, damage or injury to the natural resources of the Commonwealth or their uses, endangerment of the safety of others, costs of remedying the harm, savings resulting to the person in consequence of such violation and other relevant factors. It shall be payable to the Commonwealth and shall be collectible in any manner provided at law for the collection of debts. If any person liable to pay any such penalty neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall be a lien in favor of the Commonwealth upon the property, both real and personal, of such person but only after same has been entered and docketed of record by the prothonotary of the county where such is situated. The board may, at any time, transmit, to the prothonotaries of the

respective counties, certified copies of all such liens, and it shall be the duty of each prothonotary to enter and docket the same of record in his office and index the same as judgments are indexed, without requiring the payment of costs as a condition precedent to the entry thereof.

Section 17. Validity of other laws.

This act shall not be construed to repeal or otherwise invalidate any provision of the Oil and Gas Act, except those provisions enumerated in section 13.

(17 amended May 13, 2011, P.L.7, No.2)

Section 18. Severability.

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

Section 19. Effective date.

This act shall take effect in 90 days.