

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 170 Session of 2023

INTRODUCED BY OTTEN, MADDEN, SANCHEZ, PIELLI, KRAJEWSKI, GUENST AND KHAN, APRIL 3, 2023

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 3, 2023

AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated
2 Statutes, in development, further providing for well location
3 restrictions.

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

6 Section 1. Section 3215(a) and (b) of Title 58 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 3215. Well location restrictions.

9 (a) General rule.--Wells may not be drilled within 200 feet,
10 or, in the case of an unconventional gas well, [500] 2,500 feet,
11 measured horizontally from the vertical well bore to a building
12 or water well, existing when the copy of the plat is mailed as
13 required by section 3211(b) (relating to well permits) [without
14 written consent of the owner of the building or water well].

15 Unconventional gas wells may not be drilled within [1,000] 2,500
16 feet measured horizontally from the vertical well bore to any
17 existing water well, surface water intake, reservoir or other
18 water supply extraction point used by a water purveyor [without

1 the written consent of the water purveyor. If consent is not
2 obtained and]. If the distance restriction would deprive the
3 owner of the oil and gas rights of the right to produce or share
4 in the oil or gas underlying the surface tract, the well
5 operator [shall be granted] may submit a request for a variance
6 from the distance restriction [upon submission of]. As part of
7 the variance request, the well operator shall submit a plan
8 identifying the additional measures, facilities or practices as
9 prescribed by the department to be employed during well site
10 construction, drilling and operations. [The variance] If the
11 department is satisfied that the plan adequately addresses these
12 additional measures, facilities or practices, the variance shall
13 be granted and shall include additional terms and conditions
14 required by the department to ensure safety and protection of
15 affected persons and property, including insurance, bonding,
16 indemnification and technical requirements. Notwithstanding
17 section 3211(e), if a variance request has been submitted, the
18 department may extend its permit review period for up to 15 days
19 upon notification to the applicant of the reasons for the
20 extension.

21 (b) Limitation.--

22 (1) No well site may be prepared or well drilled within
23 100 feet or, in the case of an unconventional well, [300]
24 2,500 feet from the vertical well bore or 100 feet from the
25 edge of the well site, whichever is greater, measured
26 horizontally from any solid blue lined stream, spring or body
27 of water as identified on the most current 7 1/2 minute
28 topographic quadrangle map of the United States Geological
29 Survey.

30 (2) The edge of the disturbed area associated with any

1 unconventional well site must maintain a [100-foot] 2,500-
2 foot setback from the edge of any solid blue lined stream,
3 spring or body of water as identified on the most current 7
4 1/2 minute topographic quadrangle map of the United States
5 Geological Survey.

6 (3) No unconventional well may be drilled within [300]
7 2,500 feet of any wetlands greater than one acre in size, and
8 the edge of the disturbed area of any well site must maintain
9 a [100-foot] 2,500-foot setback from the boundary of the
10 wetlands.

11 (3.1) A school, hospital, long-term care facility,
12 child-care facility or facility that houses or serves
13 individuals with intellectual or developmental disabilities
14 shall not be within 5,000 feet of any of the following:

15 (i) A compressor station.

16 (ii) A pit or impoundment containing drilling
17 cuttings, flowback water, produced water or hazardous
18 materials, chemicals or waste.

19 (iii) A tank containing hazardous materials,
20 chemicals, condensate, waste, flowback or produced water.

21 (iv) Any storage or handling of water, chemicals,
22 fuels, hazardous materials or solid waste on a well site.

23 (3.2) A building, other than that specified in paragraph
24 (3.1), water well or water supply shall not be within 2,500
25 feet of any of the following:

26 (i) A compressor station.

27 (ii) A pit or impoundment containing drilling
28 cuttings, flowback water, produced water or hazardous
29 materials, chemicals or waste.

30 (iii) A tank containing hazardous materials,

1 chemicals, condensate, waste, flowback or produced water.

2 (iv) Any storage or handling of water, chemicals,
3 fuels, hazardous materials or solid waste on a well site.

4 (4) The department [shall] may not waive the distance
5 restrictions [upon submission of a plan identifying
6 additional measures, facilities or practices to be employed
7 during well site construction, drilling and operations
8 necessary to protect the waters of this Commonwealth. The
9 waiver, if granted, shall include additional terms and
10 conditions required by the department necessary to protect
11 the waters of this Commonwealth. Notwithstanding section
12 3211(e), if a waiver request has been submitted, the
13 department may extend its permit review period for up to 15
14 days upon notification to the applicant of the reasons for
15 the extension].

16 * * *

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