

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2613 Session of 2010

INTRODUCED BY HANNA, MIRABITO, BELFANTI, BRADFORD, BRIGGS,
CALTAGIRONE, CASORIO, HESS, HOUGHTON, JOSEPHS, KORTZ,
LEVDANSKY, MAHONEY, MARSHALL, McILVAINE SMITH, METZGAR,
MURPHY, PALLONE, PAYTON, ROEBUCK, SIPTROTH, STABACK, WAGNER
AND WHITE, JUNE 25, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 25, 2010

AN ACT

1 Amending the act of December 19, 1984 (P.L.1140, No.223),
2 entitled "An act relating to the development of oil and gas
3 and coal; imposing duties and powers on the Department of
4 Environmental Resources; imposing notification requirements
5 to protect landowners; and providing for definitions, for
6 various requirements to regulate the drilling and operation
7 of oil and gas wells, for gas storage reservoirs, for various
8 reporting requirements, including certain requirements
9 concerning the operation of coal mines, for well permits, for
10 well registration, for distance requirements, for well casing
11 requirements, for safety device requirements, for storage
12 reservoir obligations, for well bonding requirements, for a
13 Well Plugging Restricted Revenue Account to enforce oil and
14 gas well plugging requirements, for the creation of an Oil
15 and Gas Technical Advisory Board, for oil and gas well
16 inspections, for enforcement and for penalties," in general
17 requirements, further providing for protection of water
18 supplies.

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

21 Section 1. Section 208(c) and (d) of the act of December 19,
22 1984 (P.L.1140, No.223), known as the Oil and Gas Act, are
23 amended to read:

24 Section 208. Protection of water supplies.

1 * * *

2 (c) Unless rebutted by one of the five defenses established
3 in subsection (d), it shall be presumed that a well operator is
4 responsible for the pollution of a water supply that is within
5 [1,000] 5,000 feet of the oil or gas well, where the pollution
6 occurred within [six months] one year after the completion of
7 drilling or alteration of such well.

8 (d) In order to rebut the presumption of liability
9 established in subsection (c), the well operator must
10 affirmatively prove one of the following [five] defenses:

11 (1) The pollution existed prior to the drilling or
12 alteration activity as determined by a predrilling or
13 prealteration survey.

14 (2) The landowner or water purveyor refused to allow the
15 operator access to conduct a predrilling or prealteration
16 survey.

17 (3) The water supply is not within [1,000] 5,000 feet of
18 the well.

19 (4) The pollution occurred more than [six months] one
20 year after completion of drilling or alteration activities.

21 (5) The pollution occurred as the result of some cause
22 other than the drilling or alteration activity.

23 * * *

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