

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2630 Session of
2010

INTRODUCED BY BOBACK, MUNDY, HELM, CALTAGIRONE, CARROLL,
D. COSTA, DeLUCA, FLECK, HANNA, HARHART, KESSLER, KORTZ,
MAHER, PAYTON, SANTARSIERO, SCAVELLO, SIPTROTH, STABACK,
YOUNGBLOOD AND YUDICHAK, JUNE 30, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 30, 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," further
17 providing for well permits, for well location restrictions
18 and for well reporting requirements.

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

21 Section 1. Section 201(b) of the act of December 19, 1984
22 (P.L.1140, No.223), known as the Oil and Gas Act, is amended and
23 the section is amended by adding a subsection to read:

24 Section 201. Well permits.

1 * * *

2 (b) (1) The permit application shall be accompanied by a
3 plat prepared by a competent engineer or a competent
4 surveyor, on forms to be furnished by the department, showing
5 the political subdivision and county in which the tract of
6 land upon which the well to be drilled is located, the name
7 of the surface landowner of record and lessor, the name of
8 all surface landowners or water purveyors whose water
9 supplies are within [1,000] 5,500 feet of the proposed well
10 location, the name of the owner of record or operator of all
11 known underlying workable coal seams, if any, the acreage in
12 the tract to be drilled, the proposed location of the well
13 determined by survey, the courses and distances of such
14 location from two or more permanent identifiable points or
15 landmarks on said tract boundary corners, the proposed angle
16 and direction of such well, if the well is to be deviated
17 substantially from a vertical course, the number or other
18 identification to be given the well, the workable coal seams,
19 if any, underlying the tract of land upon which the well is
20 to be drilled or altered, which are to be cased off in
21 accordance with section 207, and such information needed by
22 the department to administer this act.

23 (2) The applicant shall forward, by certified mail, a
24 copy of said plat to the surface landowner, all surface
25 landowners or water purveyors whose water supplies are within
26 [1,000] 5,500 feet of the proposed well location, the owner
27 and lessee, if any, of such coal seams, and every coal
28 operator required to be identified on the well permit
29 application and shall submit proof of such notification with
30 the well permit application. With respect to surface owners,

notification shall be accomplished under this section by sending notice to the persons to whom the tax notices for said surface property are sent, as indicated in the assessment books in the county in which the property is located. With respect to surface landowners or water purveyors whose water supplies are within [1,000] 5,500 feet of the proposed well location, notification shall be made on forms and in a manner prescribed by the department sufficient to identify, for such persons, the rights afforded them under section 208 and the advisability of taking their own predrilling or prealteration survey.

(3) If the applicant submits to the department written approval of the proposed well location by the surface landowner and the coal operator, lessee or owner, if any, of the coal underlying the proposed well location and no objections are raised by the department within 15 days of filing or if no such approval has been submitted and no objections are made to such proposed well location within 15 days from receipt of such notice by the surface landowner and the coal operator, lessee or owner, if any, or by the department, the same shall be filed and become a permanent record of such location, subject to inspection at any time by any interested person.

(4) The permit application shall also be accompanied by information regarding the zone of influence on groundwater and an analysis that provides an estimate on the time of travel that a potential release of hydraulic fracking fluid or other liquid substances from the drilling operation may take to reach the nearest waterway. The permit application shall also be accompanied by a preparedness, prevention and

1 contingency plan. The plan shall include, but not be limited
2 to: the resources available at the well site to contain a
3 release of any fluids and to prevent an accidental blowout; a
4 listing of organizations that can respond within two hours of
5 notification to provide remediation of any environmental
6 contamination; a process to provide notification to all
7 downstream water users of any environmental remediation
8 activity within one hour of the commencement of that
9 activity.

10 * * *

11 (d.1) Within ten days of the receipt of a permit
12 application, the department shall notify all public drinking
13 water system operators within the watershed in which the well is
14 to be located that a permit application has been received. The
15 department shall, within 25 days of the receipt of the permit
16 application, convene a meeting between the well operator and the
17 public water supply operator to review in detail the permit
18 application. If the department believes that the proposed well
19 site location may have the potential to contaminate a public
20 drinking water supply, the department shall publish in the
21 Pennsylvania Bulletin a notice that it has received a permit
22 application from a well operator and that the proposed well site
23 location may have the potential to affect a public drinking
24 water supply. This notice shall provide for a 30-day public
25 comment period.

26 * * *

27 Section 2. Sections 205 and 212 of the act are amended by
28 adding subsections to read:

29 Section 205. Well location restrictions.

30 * * *

1 (b.1) No well site may be prepared or well drilled using
2 hydraulic fracturing or horizontal drilling within 3,000 feet of
3 a reservoir that serves as a water source for a community water
4 system as defined in section 3 of the act of May 1, 1984
5 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water
6 Act. The department shall not permit horizontal drilling to
7 occur directly under a reservoir which is utilized as a public
8 drinking water source for a community water system as defined in
9 section 3 of the Pennsylvania Safe Drinking Water Act.

10 * * *

11 Section 212. Well reporting requirements.

12 * * *

13 (e) Within ten days of the beginning of each calendar
14 quarter, each well operator shall submit to the department a
15 complete listing of those chemicals and chemical compounds which
16 compose the hydraulic fracture fluid planned to be used to
17 hydraulically fracture natural gas wells during the succeeding
18 quarter. The chemicals shall be listed on a form provided by the
19 department. Notwithstanding a proprietary product or materials
20 claim, the list shall, at a minimum, include: the service
21 company name; the product name; the hazardous components of the
22 product as listed on the material safety data sheets; the
23 hazardous ingredients by weight as a percentage; the pounds of
24 hazardous ingredients per pound of water, the gallons of
25 fracking solution per stage; and the concentration of the
26 chemical in the fracking solution in parts per million. The
27 department shall publish the list of chemicals for each well on
28 the Internet website of the department. The well operator shall
29 maintain the list at the well site and make it available for
30 inspection upon request by representatives of the department.

1 In the event of a planned change in the composition of the
2 hydrofracking solution additives, the well operator shall submit
3 the changes on a revised list to the department at least ten
4 days prior to utilizing the new additives. The department may
5 deny or revoke a well permit for noncompliance with the
6 requirements of this subsection.

7 Section 3. This act shall take effect in 60 days.