

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1950 Session of 2011

INTRODUCED BY ELLIS, S. H. SMITH, TURZAI, SAYLOR, REED, ADOLPH, MAJOR, STEVENSON, VEREB, ROSS, GROVE, MARSHALL, HELM, VULAKOVICH, P. COSTA, GERGELY, MOUL, CHRISTIANA, TALLMAN, EVERETT AND K. SMITH, NOVEMBER 1, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, NOVEMBER 16, 2011

AN ACT

1 Amending Titles 27 (Environmental Resources) and 58 (Oil and
2 Gas) of the Pennsylvania Consolidated Statutes, requiring
3 rents and royalties from oil and gas leases of Commonwealth
4 land to be placed in a special fund to be used for
5 conservation, recreation, dams, flood control and certain
6 interfund transfers; authorizing the Secretary of
7 Conservation and Natural Resources to determine the need for
8 and location of such projects and to acquire the necessary
9 land; providing for interfund transfer; ESTABLISHING THE
10 KEYSTONE TRANSIT PROGRAM; PROVIDING A TRANSFER OF FUNDS FROM
11 THE OIL AND GAS LEASE FUND TO THE DEPARTMENT OF ENVIRONMENTAL
12 PROTECTION FOR A COMPETITIVE GRANT PROGRAM FOR THE TRANSITION
13 OF SMALL MASS TRANSIT BUS FLEETS TO COMPRESSED NATURAL GAS;
14 ESTABLISHING THE CLEAN TRANSIT PROGRAM; PROVIDING A TRANSFER
15 OF FUNDS FROM THE OIL AND GAS LEASE FUND TO THE DEPARTMENT OF
16 ENVIRONMENTAL PROTECTION FOR A LOAN PROGRAM FOR THE
17 TRANSITION OF LARGE MASS TRANSIT BUS FLEETS TO COMPRESSED
18 NATURAL GAS; authorizing counties to impose and collect an
19 unconventional gas well impact fee; providing for
20 distribution of fees and for the Oil and Gas Lease Fund;
21 consolidating the Oil and Gas Act WITH MODIFICATIONS AND
22 ADDITIONS; PROVIDING FOR LOCAL ORDINANCES RELATING TO OIL AND
23 GAS OPERATIONS; and repealing an act relating to the
24 establishment of the Oil and Gas Lease Fund and the Oil and
25 Gas Act.

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

28 ~~Section 1. Title 27 of the Pennsylvania Consolidated~~



1 ~~Statutes is amended by adding chapters to read:~~

2 ~~CHAPTER 33~~

3 ~~OIL AND GAS~~

4 ~~Subchapter~~

5 ~~A. (Reserved)~~

6 ~~B. Oil and Gas Lease Fund~~

7 ~~SUBCHAPTER A~~

8 ~~(RESERVED)~~

9 ~~SUBCHAPTER B~~

10 ~~OIL AND GAS LEASE FUND~~

11 ~~Sec.~~

12 ~~3301. Definitions.~~

13 ~~3302. Oil and Gas Lease Fund.~~

14 ~~3303. Powers and duties of secretary.~~

15 ~~3304. Appropriation of moneys.~~

16 ~~3305. Interfund transfers.~~

17 ~~§ 3301. Definitions.~~

18 ~~The following words and phrases when used in this chapter~~  
19 ~~shall have the meanings given to them in this section unless the~~  
20 ~~context clearly indicates otherwise:~~

21 ~~"Department." The Department of Conservation and Natural~~  
22 ~~Resources of the Commonwealth.~~

23 ~~"Fund." The Oil and Gas Lease Fund established by this~~  
24 ~~subchapter.~~

25 ~~"Secretary." The Secretary of Conservation and Natural~~  
26 ~~Resources of the Commonwealth.~~

27 ~~§ 3302. Oil and Gas Lease Fund.~~

28 ~~(a) Establishment. The Oil and Gas Lease Fund is~~  
29 ~~established in the State Treasury.~~

30 ~~(b) Deposits. All rents and royalties from oil and gas~~

1 ~~leases of any land owned by the Commonwealth, except rents and~~  
2 ~~royalties received from game and fish lands, shall be placed in~~  
3 ~~the fund to be used exclusively:~~

4 ~~(1) for conservation, recreation, dams or flood control;~~

5 ~~(2) to match any Federal grants which may be made for~~  
6 ~~any of the purposes enumerated in this subchapter; and~~

7 ~~(3) for interfund transfers as provided in section 3305~~  
8 ~~(relating to interfund transfers).~~

9 ~~§ 3303. Powers and duties of secretary.~~

10 ~~The secretary shall have the following powers and duties:~~

11 ~~(1) To determine, in the secretary's discretion, the~~  
12 ~~need for and the location of any project authorized by this~~  
13 ~~chapter.~~

14 ~~(2) To acquire in the name of the Commonwealth by~~  
15 ~~purchase, condemnation or otherwise such lands as may be~~  
16 ~~needed.~~

17 ~~§ 3304. Appropriation of moneys.~~

18 ~~All the moneys from time to time paid into the fund are~~  
19 ~~specifically appropriated on a continuing basis to the~~  
20 ~~department to carry out the purposes of this subchapter.~~

21 ~~§ 3305. Interfund transfers.~~

22 ~~Transfers shall be made between funds in the State Treasury~~  
23 ~~as follows:~~

24 ~~(1) On July 1, 2013, and each July 1 thereafter, an~~  
25 ~~amount equal to 25% of the total moneys received from the~~  
26 ~~prior fiscal year shall be transferred from the fund to the~~  
27 ~~Environmental Stewardship Fund for the purpose of plugging~~  
28 ~~abandoned oil and gas wells and other uses authorized by law~~  
29 ~~for the Environmental Stewardship Fund.~~

30 ~~(2) (i) Beginning July 1, 2014, a total of \$40,000,000~~

~~shall be transferred from the fund to the Hazardous Sites Cleanup Fund for the purpose of remedial response or remedy at oil and gas well sites and other uses authorized by law for the Hazardous Sites Cleanup Fund.~~

~~(ii) On July 1, 2015, and each July 1 thereafter, the following shall apply:~~

~~(A) the sum of the amount transferred under subparagraph (i) during the prior fiscal year; and~~

~~(B) an amount equal to the percentage change in the Consumer Price Index for All Urban Consumers from the prior fiscal year, multiplied by the amount in clause (A),~~

~~shall be transferred from the fund to the Hazardous Sites Cleanup Fund for the purpose specified in subparagraph (i).~~

~~(3) On July 1, 2013, and each July 1 thereafter, an amount equal to 5% of the total moneys received from the prior fiscal year, but not to exceed \$5,000,000, shall be transferred from the fund to the several counties, school districts and townships entitled to receive payment from the Commonwealth in lieu of taxes under the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law. The moneys transferred under this paragraph shall be allocated to each county, school district and township based on the number of acres of land in the county, school district or township to which the payment under that act applies in proportion to the aggregate number of acres of all such lands of the counties, school districts and townships in this Commonwealth.~~

~~(4) On July 1, 2013, and each July 1 thereafter, a total~~

~~of \$15,000,000 shall be transferred from the fund to the  
Conservation District Fund. These funds shall be distributed  
in a manner consistent with the act of May 15, 1945 (P.L.547,  
No.217), known as the Conservation District Law, and the  
provisions of the State Conservation Commission's  
Conservation District Fund Allocation Program Statement of  
Policy under 25 Pa. Code Ch. 83 Subch. B (relating to  
Conservation District Fund Allocation Program Statement of  
Policy).~~

~~CHAPTER 35~~

~~WELLS~~

~~Subchapter~~

~~A. Unconventional Gas Wells~~

~~B. (Reserved)~~

~~SUBCHAPTER A~~

~~UNCONVENTIONAL GAS WELLS~~

~~Sec.~~

~~3501. Short title.~~

~~3502. Definitions.~~

~~3503. Unconventional gas well impact fee.~~

~~3504. (Reserved).~~

~~3505. (Reserved).~~

~~3506. Administration.~~

~~3506.1. Well information.~~

~~3506.2. Payment confirmation.~~

~~3506.3. County authority.~~

~~3506.4. Enforcement.~~

~~3506.5. Examinations.~~

~~3507. Deposit of fees.~~

~~3508. Allocation and distribution of fees.~~

1 ~~3509. Calculation of payments.~~

2 ~~3510. Recordkeeping and State reporting.~~

3 ~~3511. Expiration.~~

4 ~~§ 3501. Short title.~~

5 ~~This subchapter shall be known and may be cited as the~~  
6 ~~Unconventional Gas Well Impact Act.~~

7 ~~§ 3502. Definitions.~~

8 ~~The following words and phrases when used in this subchapter~~  
9 ~~shall have the meanings given to them in this section unless the~~  
10 ~~context clearly indicates otherwise:~~

11 ~~"Association." A partnership, limited partnership or any~~  
12 ~~other form of unincorporated enterprise owned or conducted by~~  
13 ~~two or more persons.~~

14 ~~"Coal bed methane." Gas that can be produced from coal beds,~~  
15 ~~coal seams, mined out areas or gob wells.~~

16 ~~"Corporation." A corporation, joint stock association,~~  
17 ~~limited liability company, business trust or any other~~  
18 ~~incorporated enterprise organized under the laws of the United~~  
19 ~~States, this Commonwealth or any other state, territory or~~  
20 ~~foreign country or dependency.~~

21 ~~"Department." The Department of Environmental Protection of~~  
22 ~~the Commonwealth.~~

23 ~~"Highway mileage." The number of miles of public roads and~~  
24 ~~streets most recently certified by the Department of~~  
25 ~~Transportation as eligible for distribution of liquid fuels~~  
26 ~~funds under the act of June 1, 1956 (1955 P.L.1944, No.655),~~  
27 ~~referred to as the Liquid Fuels Tax Municipal Allocation Law.~~

28 ~~"Municipality." A city, borough, incorporated town or~~  
29 ~~township.~~

30 ~~"Natural gas." A fossil fuel consisting of a mixture of~~

1 ~~hydrocarbon gases, primarily methane, possibly including ethane,~~  
2 ~~propane, butane, pentane, carbon dioxide, oxygen, nitrogen and~~  
3 ~~hydrogen sulfide and other gas species. The term includes gas~~  
4 ~~from oil fields known as associated gas or casing head gas,~~  
5 ~~natural gas fields known as nonassociated gas, coal beds, shale~~  
6 ~~beds and other formations. The term does not include coal bed~~  
7 ~~methane.~~

8 ~~"Nonproducing well." A natural gas well that produces an~~  
9 ~~average of less than 90,000 cubic feet of natural gas per day~~  
10 ~~during a calendar year.~~

11 ~~"Operator." A person or its subsidiary, affiliate or holding~~  
12 ~~company that holds a permit or other authorization to engage in~~  
13 ~~the business of severing natural gas for sale, profit or~~  
14 ~~commercial use from an unconventional well in this Commonwealth.~~  
15 ~~The term does not include a person who severs natural gas from a~~  
16 ~~storage field.~~

17 ~~"Person." A natural person or a corporation, fiduciary,~~  
18 ~~association or other entity, including the Commonwealth and any~~  
19 ~~of its political subdivisions, instrumentalities and~~  
20 ~~authorities. When the term is used in a provision prescribing~~  
21 ~~and imposing a penalty or imposing a fine or both, the term~~  
22 ~~shall include a member of an association and an officer of a~~  
23 ~~corporation.~~

24 ~~"Rate." The rate under section 3503 (relating to~~  
25 ~~unconventional gas well impact fee).~~

26 ~~"Reporting period." The fiscal year in which a well impact~~  
27 ~~fee is assessed.~~

28 ~~"Unconventional gas well." A bore hole drilled or being~~  
29 ~~drilled for the purpose of or to be used for producing oil or~~  
30 ~~gas from a geologic shale formation existing below the base of~~

1 ~~the Elk Sandstone or its geologic equivalent stratigraphic~~  
2 ~~interval where oil or gas generally cannot be produced at~~  
3 ~~economic flow rates or in economic volumes except by wells~~  
4 ~~stimulated by hydraulic fracture treatments, a horizontal well-~~  
5 ~~bore or by using multilateral well bores or other techniques to~~  
6 ~~expose more of the formation of the well bore.~~

7 ~~"Unconventional gas well impact fee." A fee that is adopted~~  
8 ~~under section 3503 (relating to unconventional gas well impact~~  
9 ~~fee) on each unconventional well producing natural gas within~~  
10 ~~this Commonwealth.~~

11 ~~§ 3503. Unconventional gas well impact fee.~~

12 ~~(a) Imposition. By enactment of an ordinance by the~~  
13 ~~governing body of a county, except as set forth in subsection~~  
14 ~~(b), a county may impose an unconventional gas well impact fee~~  
15 ~~on each unconventional gas well that is located on a well pad~~  
16 ~~and produces natural gas within the county.~~

17 ~~(b) Exemptions. The unconventional gas well impact fee~~  
18 ~~shall not be imposed on:~~

19 ~~(1) nonproducing wells; or~~

20 ~~(2) unconventional gas wells in which the natural gas is~~  
21 ~~used directly by a consumer.~~

22 ~~(c) Fee for existing unconventional wells. The fee for an~~  
23 ~~unconventional well producing natural gas which is in existence~~  
24 ~~on the effective date of the ordinance under subsection (a)~~  
25 ~~shall be as follows:~~

26 ~~(1) For the first year of production following the~~  
27 ~~effective date of the ordinance, not more than \$40,000.~~

28 ~~(2) For the second year of production following the~~  
29 ~~effective date of the ordinance, not more than \$30,000.~~

30 ~~(3) For the third year of production following the~~



1 ~~effective date of the ordinance, not more than \$20,000.~~

2 ~~(4) For the fourth year of production through the tenth~~  
3 ~~year of production following the effective date of the~~  
4 ~~ordinance, not more than \$10,000.~~

5 ~~(d) Fee for new unconventional wells. The fee for an~~  
6 ~~unconventional well producing natural gas drilled after the~~  
7 ~~effective date of the ordinance under subsection (a) shall be as~~  
8 ~~follows:~~

9 ~~(1) For the first year of production, not more than~~  
10 ~~\$40,000.~~

11 ~~(2) For the second year of production, not more than~~  
12 ~~\$30,000.~~

13 ~~(3) For the third year of production, not more than~~  
14 ~~\$20,000.~~

15 ~~(4) For the fourth year of production through the tenth~~  
16 ~~year of production, not more than \$10,000.~~

17 ~~(e) Vertical unconventional well fee.~~

18 ~~(1) The fee for an unconventional vertical well shall be~~  
19 ~~not more than 25% of the fee established in subsections (c)~~  
20 ~~and (d).~~

21 ~~(2) For purposes of this subsection, an unconventional~~  
22 ~~vertical well shall be defined as an unconventional well~~  
23 ~~producing oil or gas from a geologic shale formation existing~~  
24 ~~below the base of the Elk Sandstone or its geologic~~  
25 ~~equivalent stratigraphic interval and utilizes hydraulic~~  
26 ~~fracture treatment through a single vertical well bore.~~

27 ~~(f) Prohibition.~~

28 ~~(1) Under no circumstances may an operator make an~~  
29 ~~unconventional gas well impact fee, or any other levy related~~  
30 ~~to the removal or extraction of natural gas, an obligation,~~

~~indebtedness or liability of a landowner, leaseholder or other person in possession of real property upon which such removal or extraction occurs.~~

~~(2) An agreement between an operator and a landowner, leaseholder or other person in possession of real property upon which removal or extraction of natural gas occurs that violates paragraph (1) shall be null and void.~~

~~(g) Retroactivity prohibited. No fee shall be imposed to cover a period of natural gas production which occurred prior to the effective date of the ordinance.~~

~~§ 3504. (Reserved).~~

~~§ 3505. (Reserved).~~

~~§ 3506. Administration.~~

~~(a) Report. By April 1 of the year after enactment of an ordinance imposing a fee under this chapter and each April 1 thereafter, each producer shall submit a report and payment of the fee with the county on a form prescribed by the department for the previous calendar year. The report shall include the following:~~

~~(1) The number of unconventional wells of a producer in each municipality within the county.~~

~~(2) The total number of cubic feet of natural gas severed by the producer for each unconventional well identified under paragraph (1) during the previous calendar year.~~

~~(3) The date that each unconventional well identified under paragraph (1) began or ceased the production of natural gas.~~

~~(b) Fee due date. The fee imposed under this chapter shall be due by April 1 of the year after enactment of an ordinance~~

1 ~~imposing the fee and each April 1 thereafter. The fee shall~~  
2 ~~become delinquent if not remitted to the county on the reporting~~  
3 ~~date.~~

4 ~~§ 3506.1. Well information.~~

5 ~~(a) List. Upon request, the department shall provide a~~  
6 ~~county with a list of all unconventional wells that have~~  
7 ~~received a well permit from the department issued under this~~  
8 ~~chapter. The list shall be updated on a monthly basis. In lieu~~  
9 ~~of providing the list to each county, the department may~~  
10 ~~maintain a list on its publicly accessible Internet website if~~  
11 ~~the list is updated on a monthly basis.~~

12 ~~(b) Updates. A producer shall notify the county within 30~~  
13 ~~days from the date the unconventional well began or ceased the~~  
14 ~~production of natural gas.~~

15 ~~§ 3506.2. Payment confirmation.~~

16 ~~Prior to issuing a permit to drill an unconventional well in~~  
17 ~~this Commonwealth, the department shall require the permit~~  
18 ~~applicant to certify in its well permit application that the~~  
19 ~~producer has paid all fees that may be owed under this chapter.~~  
20 ~~The department may deny a well permit application if it finds~~  
21 ~~that the producer falsified this certification.~~

22 ~~§ 3506.3. County authority.~~

23 ~~(a) Powers. A county may make all inquiries and~~  
24 ~~determinations necessary to calculate and collect a fee imposed~~  
25 ~~under this chapter, including, if applicable, interest and~~  
26 ~~penalties.~~

27 ~~(b) Notice. If a county determines that a fee imposed under~~  
28 ~~this chapter has not been paid in full, it may issue a notice of~~  
29 ~~the amount due and demand for payment and shall set forth the~~  
30 ~~basis for the determination.~~

1 ~~(c) Address. Notice of failure to pay the correct fee shall~~  
2 ~~be sent to the producer at its registered address via certified~~  
3 ~~mail.~~

4 ~~(d) Time period. A county may challenge the amount of a fee~~  
5 ~~paid under this chapter within three years after the date the~~  
6 ~~report under this chapter is filed.~~

7 ~~(e) Intent. If no report is filed or a producer files a~~  
8 ~~false or fraudulent return with the intent to evade a fee, an~~  
9 ~~assessment of the amount owed may be made at any time.~~

10 ~~§ 3506.4. Enforcement.~~

11 ~~(a) Assessment. A county may assess interest on any~~  
12 ~~delinquent fee imposed under this chapter at the rate prescribed~~  
13 ~~under section 806 of the act of April 9, 1929 (P.L.343, No.176),~~  
14 ~~known as The Fiscal Code.~~

15 ~~(b) Penalty. In addition to the interest under subsection~~  
16 ~~(a), if a producer fails to make timely payment of the fee, a~~  
17 ~~penalty shall be added to the amount of the fee due. The amount~~  
18 ~~of the penalty shall be 5% for each month, or fraction of a~~  
19 ~~month, during which the failure continues, not to exceed 25% in~~  
20 ~~the aggregate.~~

21 ~~(c) Timely payment. If a county determines that a producer~~  
22 ~~has not made a timely payment of the fee, the county shall send~~  
23 ~~a written notice of the amount of the deficiency to the producer~~  
24 ~~within 30 days from the date of determining the deficiency. If~~  
25 ~~the producer has not provided a complete and accurate statement~~  
26 ~~of the volume of natural gas extracted for the payment period,~~  
27 ~~the county may estimate the volume in its deficiency notice.~~

28 ~~(d) Remedies. The remedies provided under this chapter~~  
29 ~~shall be in addition to any other remedies provided at law or in~~  
30 ~~equity.~~

~~(e) Lien. Fines, fees, interest and penalties shall be collectible in the manner provided by law for the collection of debts. If the producer liable to pay any amount neglects or refuses to pay the amount after demand, the amount, together with costs that may accrue, shall be a judgment in favor of the county upon the property of the producer, if the judgment has been entered and docketed of record by the prothonotary of the county where the property is situated.~~

~~§ 3506.5. Examinations.~~

~~(a) Access. A county which has imposed a fee under this chapter, or its authorized agents or representatives, shall:~~

~~(1) Have access to the books, papers and records of any producer in order to verify the accuracy and completeness of a report filed or fee paid under this chapter.~~

~~(2) Require and compel the preservation and production of all books, papers and records for any period deemed proper not to exceed three years from the end of the calendar year to which the records relate.~~

~~(3) Examine any employee of a producer concerning the severing of natural gas subject to a fee or any matter relating to the enforcement of this chapter.~~

~~(b) Unauthorized disclosure.—~~

~~(1) Any information obtained by a county as a result of any report, examination, investigation or hearing under this chapter shall be confidential and shall be exempt from disclosure under the provisions of the act of February 14, 2008 (P.L.6, No.3), known as the Right to Know Law, and shall not be disclosed except in accordance with judicial order or as otherwise provided by law.~~

~~(2) An individual unlawfully divulging the information~~

~~described under this subsection commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution or to imprisonment for not more than one year, or both.~~

~~§ 3507. Deposit of fees.~~

~~(a) Establishment. Each county imposing a fee under this chapter shall establish an interest bearing account designed solely for fees.~~

~~(b) Deposit. All fees collected by a county imposing a fee under this chapter shall be deposited into the account described under subsection (a).~~

~~§ 3508. Allocation and distribution of fees.~~

~~(a) Allocation of fees. The fees deposited into the account established under section 3507 (relating to deposit of fees) shall be allocated as follows:~~

~~(1) Seventy five percent of the fees shall be allocated to the county and its municipalities in the manner provided under subsection (b).~~

~~(2) Twenty five percent of the fees shall be allocated to the Commonwealth and distributed in the manner provided under subsections (c) and (d).~~

~~(b) Distribution of fees to county and municipalities. The fees allocated to the county and its municipalities under subsection (a) (1) shall be distributed as follows:~~

~~(1) Thirty six percent of the fees shall be retained by the county where the producing unconventional wells are located.~~

~~(2) Thirty seven percent of the fees shall be distributed to the municipalities where producing unconventional wells are located. The amount for each~~

1 ~~municipality shall be determined using a formula that divides~~  
2 ~~the number of producing unconventional wells in the~~  
3 ~~municipality by the number of producing unconventional wells~~  
4 ~~in the county and multiplies the resulting percentage by the~~  
5 ~~amount available for distribution under this subparagraph.~~

6 ~~(3) Twenty seven percent of the fees shall be~~  
7 ~~distributed to all municipalities in the county where~~  
8 ~~producing unconventional wells are located as follows:~~

9 ~~(i) Fifty percent shall be distributed to all~~  
10 ~~municipalities using a formula that divides the~~  
11 ~~population of the municipality within the county by the~~  
12 ~~total population of the county and multiplies the~~  
13 ~~resulting percentage by the amount available for~~  
14 ~~distribution to the county under this subparagraph.~~

15 ~~(ii) Fifty percent shall be distributed to each~~  
16 ~~municipality using a formula that divides the highway~~  
17 ~~mileage of the municipality within the county by the~~  
18 ~~total highway mileage of the county and multiplies the~~  
19 ~~resulting percentage by the amount available for~~  
20 ~~distribution to the county under this subparagraph.~~

21 ~~(c) Distribution of fees to Commonwealth. The fees~~  
22 ~~allocated to the Commonwealth under subsection (a)(2) shall be~~  
23 ~~remitted to the Commonwealth for deposit into a restricted~~  
24 ~~account in the General Fund of the Commonwealth dedicated solely~~  
25 ~~for fees. The funds are hereby appropriated and shall be~~  
26 ~~distributed as follows and as set forth under subsection (e):~~

27 ~~(1) Seventy percent to the Department of Transportation~~  
28 ~~for road, bridge, rail and other transportation~~  
29 ~~infrastructure improvements to address impacts from~~  
30 ~~unconventional natural gas development.~~

1       ~~(2) Ten and one half percent to the department, not to~~  
2 ~~exceed \$10,000,000 annually, for the regulation of~~  
3 ~~unconventional gas wells and the plugging of abandoned and~~  
4 ~~orphan gas wells within the Commonwealth.~~

5       ~~(3) Seven and one half percent to the Public Utility~~  
6 ~~Commission, not to exceed \$2,000,000 annually, for the~~  
7 ~~enhancement, inspection and enforcement of pipeline safety~~  
8 ~~standards as required by law related to the safe transport of~~  
9 ~~gas and hazardous liquids.~~

10       ~~(4) Four and one half percent to the Pennsylvania~~  
11 ~~Emergency Management Agency, not to exceed \$2,000,000~~  
12 ~~annually, for emergency response planning, training and~~  
13 ~~coordination associated with unconventional natural gas~~  
14 ~~production activity within the Commonwealth.~~

15       ~~(5) Three and three quarters percent to the Department~~  
16 ~~of Health, not to exceed \$2,000,000 annually, for collecting~~  
17 ~~and disseminating information, preparing and conducting~~  
18 ~~health care provider outreach and education and investigating~~  
19 ~~health related complaints and other uses associated with~~  
20 ~~unconventional natural gas production activity within this~~  
21 ~~Commonwealth.~~

22       ~~(6) Three and three quarters percent to the Office of~~  
23 ~~State Fire Commissioner, not to exceed \$2,000,000 annually,~~  
24 ~~for the development, delivery and sustainment of training~~  
25 ~~programs for first responders and acquisition of specialized~~  
26 ~~equipment necessary for emergency response.~~

27       ~~(d) Additional distribution of fees to Department of~~  
28 ~~Transportation. In addition to the distribution of fees to the~~  
29 ~~Department of Transportation under subsection (c) (1), any funds~~  
30 ~~remaining in the restricted account after distribution of fees~~



1 ~~under subsection (c) (2), (3), (4), (5) and (6) are hereby~~  
2 ~~appropriated shall be distributed to the Department of~~  
3 ~~Transportation.~~

4 ~~(e) Continuing nature.~~

5 ~~(1) The distributions under subsections (c) and (d)~~  
6 ~~shall be executive authorizations.~~

7 ~~(2) The appropriations under subsections (c) and (d)~~  
8 ~~shall be continuing appropriations. Those appropriations~~  
9 ~~shall not lapse at the end of any fiscal year.~~

10 ~~(f) Timing of distribution. A county shall distribute the~~  
11 ~~fees authorized under this chapter within 45 days after the date~~  
12 ~~the fees are received.~~

13 ~~(g) Use of funds by counties and municipalities. A county~~  
14 ~~or municipality receiving fees under this section shall make use~~  
15 ~~of the fees received only for the following purposes associated~~  
16 ~~with unconventional natural gas production within the county or~~  
17 ~~municipality:~~

18 ~~(1) Construction, reconstruction, maintenance and repair~~  
19 ~~of roadways, bridges and public infrastructure.~~

20 ~~(2) Water, storm water and sewer systems, including~~  
21 ~~construction, reconstruction, maintenance and repair.~~

22 ~~(3) Emergency preparedness and response, including~~  
23 ~~police, fire, hazardous material response, 911, equipment~~  
24 ~~acquisition, responder recruitment and other services.~~

25 ~~(4) Preservation and reclamation of surface and~~  
26 ~~subsurface waters and water supplies, including drinking~~  
27 ~~water monitoring and testing.~~

28 ~~(5) Records management, geographic information systems~~  
29 ~~and information technology.~~

30 ~~(6) Projects that increase the availability of~~

1 ~~affordable housing, either for sale or rental, to residents~~  
2 ~~whose annual income is less than the area median income.~~

3 ~~(7) Delivery of social services, including domestic~~  
4 ~~relations, drug and alcohol treatment, job training and~~  
5 ~~counseling.~~

6 ~~(8) Assistance to the county conservation district for~~  
7 ~~inspection, oversight and enforcement of unconventional~~  
8 ~~natural gas development.~~

9 ~~(9) County or municipal planning.~~

10 ~~(10) Local tax reduction.~~

11 ~~§ 3509. Calculation of payments.~~

12 ~~(a) General rule. The county treasurer of a county that~~  
13 ~~imposes and collects the unconventional gas well impact fee~~  
14 ~~shall certify the number of all unconventional gas wells located~~  
15 ~~within each municipality of the county based upon the~~  
16 ~~appropriate reports provided by the department.~~

17 ~~(b) Payments to municipalities. The county treasurer of a~~  
18 ~~county that imposes and collects the unconventional gas well~~  
19 ~~impact fee shall pay to municipalities the amounts required~~  
20 ~~under this subchapter.~~

21 ~~§ 3510. Recordkeeping and State reporting.~~

22 ~~(a) General rule. Commencing in calendar year 2012 and each~~  
23 ~~year thereafter, before December 1, each county that imposes and~~  
24 ~~collects the unconventional gas well impact fee authorized by~~  
25 ~~this subchapter shall prepare and deliver a report to the~~  
26 ~~Secretary of the Senate and the Chief Clerk of the House of~~  
27 ~~Representatives detailing the expenditure of the funds collected~~  
28 ~~under this subchapter.~~

29 ~~(b) Audit. The Department of Community and Economic~~  
30 ~~Development may audit a county's and municipality's expenditure~~

1 ~~of the funds.~~

2 ~~(c) Availability of records. A county and municipality that~~  
3 ~~receives the funds shall make its financial records and other~~  
4 ~~documents relating to its expenditure of the funds available to~~  
5 ~~the department.~~

6 ~~(d) Time. Reports shall be prepared no later than June 30~~  
7 ~~of the year following the initial receipt of any fees~~  
8 ~~distributed under this section and each June 30 thereafter.~~

9 ~~(e) Location. Reports shall be published on the county or~~  
10 ~~municipality's publicly accessible Internet website. If a~~  
11 ~~municipality does not maintain a publicly accessible Internet~~  
12 ~~website, the municipality shall provide its report to the~~  
13 ~~county, which shall publish the municipality's report on the~~  
14 ~~county's publicly accessible Internet website.~~

15 ~~§ 3511. Expiration.~~

16 ~~(a) Notice. The Secretary of the Commonwealth shall, upon~~  
17 ~~the effective date of an act authorizing a severance tax on each~~  
18 ~~unconventional well producing gas in this Commonwealth, submit~~  
19 ~~for publication in the Pennsylvania Bulletin notice of that~~  
20 ~~fact.~~

21 ~~(b) Date. This chapter shall expire on the date of the~~  
22 ~~publication of the notice under subsection (a).~~

23 SUBCHAPTER B

24 ~~(RESERVED)~~

25 Section 2. Title 58 is amended by adding parts to read:

26 PART I

27 PRELIMINARY PROVISIONS

28 ~~(RESERVED)~~

29 PART II

30 ~~(RESERVED)~~

PART III

UTILIZATION

Chapter

31. (Reserved)

32. Development

CHAPTER 31

(RESERVED)

CHAPTER 32

DEVELOPMENT

Subchapter

A. Preliminary Provisions

B. General Requirements

C. Underground Gas Storage

D. Eminent Domain

E. Enforcement and Remedies

F. Miscellaneous Provisions

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

3201. Scope of chapter.

3202. Declaration of purpose.

3203. Definitions.

§ 3201. Scope of chapter.

This chapter relates to oil and gas.

§ 3202. Declaration of purpose.

The purposes of this chapter are to:

- (1) Permit optimal development of oil and gas resources
- of this Commonwealth consistent with protection of the
- health, safety, environment and property of Pennsylvania
- citizens.

1       ~~(2) Protect the safety of personnel and facilities~~  
2 ~~employed in coal mining or exploration, development, storage~~  
3 ~~and production of natural gas or oil.~~

4       ~~(3) Protect the safety and property rights of persons~~  
5 ~~residing in areas where mining, exploration, development,~~  
6 ~~storage or production occurs.~~

7       ~~(4) Protect the natural resources, environmental rights~~  
8 ~~and values secured by the Constitution of Pennsylvania.~~

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 ~~"Abandoned well." Any of the following:~~

14       ~~(1) A well:~~

15           ~~(i) that has not been used to produce, extract or~~  
16 ~~inject any gas, petroleum or other liquid within the~~  
17 ~~preceding 12 months;~~

18           ~~(ii) for which equipment necessary for production,~~  
19 ~~extraction or injection has been removed; or~~

20           ~~(iii) considered dry and not equipped for production~~  
21 ~~within 60 days after drilling, redrilling or deepening.~~

22       ~~(2) The term does not include wells granted inactive~~  
23 ~~status.~~

24 ~~"Alteration." An operation which changes the physical~~  
25 ~~characteristics of a well bore, including stimulation or~~  
26 ~~removing, repairing or changing the casing. For the purpose of~~  
27 ~~this chapter only, the term does not include:~~

28       ~~(1) Repairing or replacing of the casing if the activity~~  
29 ~~does not affect the depth or diameter of the well bore, the~~  
30 ~~use or purpose of the well does not change and the activity~~

~~complies with regulations promulgated under this chapter,  
except that this exclusion does not apply:~~

~~(i) to production casings in coal areas when the  
production casings are also the coal protection casings;~~

~~or~~

~~(ii) when the method of repairing or replacing the  
casing would affect the coal protection casing.~~

~~(2) Stimulation of a well.~~

~~"Board." The Oil and Gas Technical Advisory Board.~~

~~"Bridge." An obstruction placed in a well at any depth.~~

~~"Building." An occupied structure with walls and roof within  
which persons live or customarily work.~~

~~"Casing." A string or strings of pipe commonly placed in  
wells drilled for natural gas or petroleum.~~

~~"Cement" or "cement grout." Any of the following:~~

~~(1) Hydraulic cement properly mixed with water only.~~

~~(2) A mixture of materials adequate for bonding or  
sealing of well bores as approved by regulations promulgated  
under this chapter.~~

~~"Coal mine." Any of the following:~~

~~(1) Operations in a coal seam, including excavated  
portions, abandoned portions and places actually being  
worked.~~

~~(2) Underground workings and shafts, slopes, tunnels and  
other ways and openings, including those which are in the  
course of being sunk or driven, along with all roads and  
facilities connected with them below the surface.~~

~~"Coal operator." A person that operates or proposes to  
operate a coal mine as an owner or lessee.~~

~~"Completion of a well." The date after treatment, if any,~~

1 ~~that the well is properly equipped for production of oil or gas,~~  
2 ~~or, if the well is dry, the date that the well is abandoned.~~

3 ~~"Department." The Department of Environmental Protection of~~  
4 ~~the Commonwealth.~~

5 ~~"Drilling." The drilling or redrilling of a well or the~~  
6 ~~deepening of an existing well.~~

7 ~~"Environmental law." Any of the following:~~

8 ~~(1) A Federal statute pertaining to oil and gas~~  
9 ~~operations, public health, safety, natural resources or the~~  
10 ~~environment.~~

11 ~~(2) A Federal regulation, rule, administrative order or~~  
12 ~~agency interpretation or guidance pertaining to oil and gas~~  
13 ~~operations, public health, safety, natural resources or the~~  
14 ~~environment.~~

15 ~~(3) A Federal judicial decision pertaining to oil and~~  
16 ~~gas operations, public health, safety, natural resources or~~  
17 ~~the environment.~~

18 ~~(4) A Commonwealth statute pertaining to oil and gas~~  
19 ~~operations, public health, safety, natural resources or the~~  
20 ~~environment. The term includes any of the following:~~

21 ~~(i) The act of June 22, 1937 (P.L.1987, No.394),~~  
22 ~~known as The Clean Streams Law.~~

23 ~~(ii) The act of January 8, 1960 (1959 P.L.2119,~~  
24 ~~No.787), known as the Air Pollution Control Act.~~

25 ~~(iii) The act of July 7, 1961 (P.L.518, No.268),~~  
26 ~~known as the Delaware River Basin Compact.~~

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

29 ~~(v) The act of July 17, 1968 (P.L.368, No.181),~~  
30 ~~referred to as the Susquehanna River Basin Compact Law.~~

1           ~~(vi) The act of October 4, 1978 (P.L.864, No.167),~~  
2           ~~known as the Storm Water Management Act.~~

3           ~~(vii) The act of November 26, 1978 (P.L.1375,~~  
4           ~~No.325), known as the Dam Safety and Encroachments Act.~~

5           ~~(viii) The act of July 7, 1980 (P.L.380, No.97),~~  
6           ~~known as the Solid Waste Management Act.~~

7           ~~(ix) The act of June 23, 1982 (P.L.597, No.170),~~  
8           ~~known as the Wild Resource Conservation Act.~~

9           ~~(x) The act of May 1, 1984 (P.L.206, No.43), known~~  
10           ~~as the Pennsylvania Safe Drinking Water Act.~~

11           ~~(xi) The act of July 10, 1984 (P.L.688, No.147),~~  
12           ~~known as the Radiation Protection Act.~~

13           ~~(xii) The act of October 5, 1984 (P.L.734, No.159),~~  
14           ~~known as the Worker and Community Right to Know Act.~~

15           ~~(xiii) The act of December 18, 1984 (P.L.1069,~~  
16           ~~No.214), known as the Coal and Gas Resource Coordination~~  
17           ~~Act.~~

18           ~~(xiv) The act of December 19, 1984 (P.L.1093,~~  
19           ~~No.219), known as the Noncoal Surface Mining Conservation~~  
20           ~~and Reclamation Act.~~

21           ~~(xv) The act of October 18, 1988 (P.L.756, No.108),~~  
22           ~~known as the Hazardous Sites Cleanup Act.~~

23           ~~(xvi) The act of July 6, 1989 (P.L.169, No.32),~~  
24           ~~known as the Storage Tank and Spill Prevention Act.~~

25           ~~(xvii) The act of December 7, 1990 (P.L.639,~~  
26           ~~No.165), known as the Hazardous Material Emergency~~  
27           ~~Planning and Response Act.~~

28           ~~(xviii) The act of May 19, 1995 (P.L.4, No.2), known~~  
29           ~~as the Land Recycling and Environmental Remediation~~  
30           ~~Standards Act.~~



1 ~~(xix) The act of July 4, 2008 (P.L. 526, No. 43),~~  
2 ~~known as the Great Lakes St. Lawrence River Basin Water~~  
3 ~~Resources Compact.~~

4 ~~(xx) The provisions of 27 Pa.C.S. Ch. 31 (relating~~  
5 ~~to water resources planning)~~

6 ~~(xxi) The provisions of 27 Pa.C.S. Ch. 41 (relating~~  
7 ~~to environmental laboratory accreditation).~~

8 ~~(xxii) The provisions of 27 Pa.C.S. Ch. 62 (relating~~  
9 ~~to waste transportation safety).~~

10 ~~(xxiii) The provisions of 30 Pa.C.S. (relating to~~  
11 ~~fish).~~

12 ~~(xxiv) The provisions of 34 Pa.C.S. (relating to~~  
13 ~~game).~~

14 ~~(5) A regulation, rule, administrative order or agency~~  
15 ~~interpretation or guidance of a Commonwealth agency~~  
16 ~~pertaining to oil and gas operations, public health, safety,~~  
17 ~~natural resources or the environment.~~

18 ~~(6) A decision of a court of this Commonwealth~~  
19 ~~pertaining to oil and gas operations, public health, safety,~~  
20 ~~natural resources or the environment.~~

21 ~~"Fresh groundwater." Water in that portion of the generally~~  
22 ~~recognized hydrologic cycle which occupies the pore spaces and~~  
23 ~~fractures of saturated subsurface materials.~~

24 ~~"Gas." Any of the following:~~

25 ~~(1) A fluid, combustible or noncombustible, which is~~  
26 ~~produced in a natural state from the earth and maintains a~~  
27 ~~gaseous or rarified state at standard temperature of 60~~  
28 ~~degrees Fahrenheit and pressure 14.7 PSIA.~~

29 ~~(2) Any manufactured gas, byproduct gas or mixture of~~  
30 ~~gases.~~

1 ~~"Inactivate." To shut off the vertical movement of gas in a~~  
2 ~~gas storage well by means of a temporary plug or other suitable~~  
3 ~~device or by injecting bentonitic mud or other equally nonporous~~  
4 ~~material into the well.~~

5 ~~"Linear foot." A unit of measurement in a straight line on a~~  
6 ~~horizontal plane.~~

7 ~~"Oil." Hydrocarbons in liquid form at standard temperature~~  
8 ~~of 60 degrees Fahrenheit and pressure 14.7 PSIA, also referred~~  
9 ~~to as petroleum.~~

10 ~~"Oil and gas operations." Any of the following:~~

11 ~~(1) Exploration for oil and gas. This paragraph includes~~  
12 ~~the conduct of seismic operations.~~

13 ~~(2) Siting and locating of oil and gas wells.~~

14 ~~(3) Drilling, stimulation and completion of oil and gas~~  
15 ~~wells.~~

16 ~~(4) Generation, processing, treatment, storage,~~  
17 ~~transportation and disposal of fresh water, wastewater,~~  
18 ~~wastes, chemicals and other materials directly associated~~  
19 ~~with drilling, stimulation and completion of oil and gas~~  
20 ~~wells.~~

21 ~~(5) Production, gathering and collection of oil or gas.~~

22 ~~(6) Compression, transmission, measurement and storage~~  
23 ~~of oil or gas.~~

24 ~~(7) Reclamation activities.~~

25 ~~(8) Construction and use of drilling rigs and pipelines.~~  
26 ~~This paragraph includes equipment directly related to the~~  
27 ~~activities set forth in this paragraph.~~

28 ~~(9) Construction and use of access roads, well sites,~~  
29 ~~drilling pads, impoundments, compression stations, processing~~  
30 ~~stations, meter stations and storage tanks. This paragraph~~

~~includes buildings, facilities or structures, which are directly related to the activities set forth in this paragraph. This paragraph does not include ancillary support, supply and service facilities, the location of which is not dependent on the location of specific wells or pipelines.~~

~~"Operating coal mine." Any of the following:~~

~~(1) An underground coal mine which is producing coal or has been in production of coal at any time during the 12 months immediately preceding the date its status is put in question, including contiguous worked out or abandoned coal mines to which it is connected underground.~~

~~(2) An underground coal mine to be established or reestablished under paragraph (1).~~

~~"Operating well." A well that is not plugged and abandoned.~~

~~"Orphan well." A well abandoned prior to April 18, 1985, that has not been affected or operated by the present owner or operator and from which the present owner, operator or lessee has received no economic benefit other than as a landowner or recipient of a royalty interest from the well.~~

~~"Outside coal boundaries." When used in conjunction with the term "operating coal mine," the boundaries of the coal acreage assigned to the coal mine under an underground mine permit issued by the Department of Environmental Protection.~~

~~"Owner." A person who owns, manages, leases, controls or possesses a well or coal property. The term does not apply to orphan wells, except where the Department of Environmental Protection determines a prior owner or operator benefited from the well as provided in section 3220(a) (relating to plugging requirements).~~

~~"Person." An individual, association, partnership,~~

1 ~~corporation, political subdivision or agency of the Federal~~  
2 ~~Government, State government or other legal entity.~~

3 ~~"Petroleum." Hydrocarbons in liquid form at standard~~  
4 ~~temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA,~~  
5 ~~also referred to as oil.~~

6 ~~"Pillar." A solid block of coal surrounded by either active~~  
7 ~~mine workings or a mined out area.~~

8 ~~"Plat." A map, drawing or print accurately drawn to scale~~  
9 ~~showing the proposed or existing location of a well or wells.~~

10 ~~"Reservoir protective area." The area surrounding a storage~~  
11 ~~reservoir boundary, but within 2,000 linear feet of the storage~~  
12 ~~reservoir boundary, unless an alternate area has been designated~~  
13 ~~by the Department of Environmental Protection, which is deemed~~  
14 ~~reasonably necessary to afford protection to the reservoir,~~  
15 ~~under a conference held in accordance with section 3251~~  
16 ~~(relating to conferences).~~

17 ~~"Retreat mining." Removal of coal pillars, ribs and stumps~~  
18 ~~remaining after development mining has been completed in that~~  
19 ~~section of a coal mine.~~

20 ~~"Secretary." The Secretary of Environmental Protection of~~  
21 ~~the Commonwealth.~~

22 ~~"Storage operator." A person who operates or proposes to~~  
23 ~~operate a storage reservoir as an owner or lessee.~~

24 ~~"Storage reservoir." That portion of a subsurface geological~~  
25 ~~stratum into which gas is or may be injected for storage~~  
26 ~~purposes or to test suitability of the stratum for storage.~~

27 ~~"Unconventional well." A bore hole drilled or being drilled~~  
28 ~~for the purpose of or to be used for producing oil or gas from a~~  
29 ~~geological shale formation existing below the base of the Elk~~  
30 ~~Sandstone or its geologic equivalent stratigraphic interval~~

1 ~~where oil or gas generally cannot be produced at economic flow-~~  
2 ~~rates or in economic volumes except by one of the following:~~

3 ~~(1) Vertical or horizontal well bores stimulated by~~  
4 ~~hydraulic fracture treatments.~~

5 ~~(2) Using multilateral well bores or other techniques to~~  
6 ~~expose more of the formation of the well bore.~~

7 ~~"Water management plan." A plan associated with drilling or~~  
8 ~~completing a well in an unconventional formation that~~  
9 ~~demonstrates that the withdrawal and use of water sources~~  
10 ~~protects those sources as required by law and protects public~~  
11 ~~health, safety and welfare.~~

12 ~~"Water purveyor." Any of the following:~~

13 ~~(1) The owner or operator of a public water system as~~  
14 ~~defined in section 3 of the act of May 1, 1984 (P.L.206,~~  
15 ~~No.43), known as the Pennsylvania Safe Drinking Water Act.~~

16 ~~(2) Any person subject to the act of June 24, 1939-~~  
17 ~~(P.L.842, No.365), referred to as the Water Rights Law.~~

18 ~~"Water source."~~

19 ~~(1) Any of the following:~~

20 ~~(i) Waters of this Commonwealth.~~

21 ~~(ii) A source of water supply used by a water~~  
22 ~~purveyor.~~

23 ~~(iii) Mine pools and discharges.~~

24 ~~(iv) Any other waters that are used for drilling or~~  
25 ~~completing a well in an unconventional formation.~~

26 ~~(2) The term does not include flowback or production~~  
27 ~~waters or other fluids:~~

28 ~~(i) which are used for drilling or completing a well~~  
29 ~~in an unconventional formation; and~~

30 ~~(ii) which do not discharge into waters of this~~

1 Commonwealth.

2 "Well." A bore hole drilled or being drilled for the purpose  
3 of, or to be used for, producing, extracting or injecting gas,  
4 petroleum or another liquid related to oil or gas production or  
5 storage, including brine disposal, but excluding a bore hole  
6 drilled to produce potable water. The term does not include a  
7 bore hole drilled or being drilled for the purpose of, or to be  
8 used for:

9 (1) Systems of monitoring, producing or extracting gas  
10 from solid waste disposal facilities, if the bore hole is a  
11 well subject to the act of July 7, 1980 (P.L.380, No.97),  
12 known as the Solid Waste Management Act, which does not  
13 penetrate a workable coal seam.

14 (2) Degasifying coal seams, if the bore hole is:

15 (i) used to vent methane to the outside atmosphere  
16 from an operating coal mine; regulated as part of the  
17 mining permit under the act of June 22, 1937 (P.L.1987,  
18 No.394), known as The Clean Streams Law, and the act of  
19 May 31, 1945 (P.L.1198, No.418), known as the Surface  
20 Mining Conservation and Reclamation Act; and drilled by  
21 the operator of the operating coal mine for the purpose  
22 of increased safety; or

23 (ii) used to vent methane to the outside atmosphere  
24 under a federally funded or State funded abandoned mine  
25 reclamation project.

26 "Well control emergency." An incident during drilling,  
27 operation, workover or completion that, as determined by the  
28 department, poses a threat to public health, welfare or safety,  
29 including a loss of circulation fluids, kick, casing failure,  
30 blowout, fire and explosion.

1 ~~"Well control specialist." Any person trained to respond to~~  
2 ~~a well control emergency with a current certification from a~~  
3 ~~well control course accredited by the International Association~~  
4 ~~of Drilling Contractors or other organization approved by the~~  
5 ~~department.~~

6 ~~"Well operator" or "operator." Any of the following:~~

7 ~~(1) The person designated as operator or well operator~~  
8 ~~on the permit application or well registration.~~

9 ~~(2) If a permit or well registration was not issued, a~~  
10 ~~person who locates, drills, operates, alters or plugs a well~~  
11 ~~or reconditions a well with the purpose of production from~~  
12 ~~the well.~~

13 ~~(3) If a well is used in connection with underground~~  
14 ~~storage of gas, a storage operator.~~

15 ~~"Wetland." Areas inundated or saturated by surface or~~  
16 ~~groundwater at a frequency and duration sufficient to support,~~  
17 ~~and which normally support, a prevalence of vegetation typically~~  
18 ~~adapted for life in saturated soil conditions, including swamps,~~  
19 ~~marshes, bogs and similar areas.~~

20 ~~"Workable coal seams." A coal seam which:~~

21 ~~(1) is actually being mined in the area in question~~  
22 ~~under this chapter by underground methods; or~~

23 ~~(2) in the judgment of the Department of Environmental~~  
24 ~~Protection, can reasonably be expected to be mined by~~  
25 ~~underground methods.~~

## 26 SUBCHAPTER B

### 27 GENERAL REQUIREMENTS

28 Sec.

29 3211. Well permits.

30 3212. Permit objections.

1 ~~3212.1. Comments by municipalities.~~  
2 ~~3213. Well registration and identification.~~  
3 ~~3214. Inactive status.~~  
4 ~~3215. Well location restrictions.~~  
5 ~~3215.1. General restrictions.~~  
6 ~~3216. Well site restoration.~~  
7 ~~3217. Protection of fresh groundwater and casing requirements.~~  
8 ~~3218. Protection of water supplies.~~  
9 ~~3219. Use of safety devices.~~  
10 ~~3219.1. Well control emergency response.~~  
11 ~~3220. Plugging requirements.~~  
12 ~~3221. Alternative methods.~~  
13 ~~3222. Well reporting requirements.~~  
14 ~~3223. Notification and effect of well transfer.~~  
15 ~~3224. Coal operator responsibilities.~~  
16 ~~3225. Bonding.~~  
17 ~~3226. Oil and Gas Technical Advisory Board.~~  
18 ~~§ 3211. Well permits.~~

19 ~~(a) Permit required. No person shall drill or alter a well,~~  
20 ~~except for alterations which satisfy the requirements of~~  
21 ~~subsection (j), without having first obtained a well permit~~  
22 ~~under subsections (b), (c), (d) and (e), or operate an abandoned~~  
23 ~~or orphan well unless in compliance with subsection (l). A copy~~  
24 ~~of the permit shall be kept at the well site during drilling or~~  
25 ~~alteration of the well. No person shall be required to obtain a~~  
26 ~~permit to redrill a nonproducing well if the redrilling:~~

27 ~~(1) has been evaluated and approved as part of an order~~  
28 ~~from the department authorizing cleaning out and plugging or~~  
29 ~~replugging a nonproducing well under section 13(c) of the act~~  
30 ~~of December 18, 1984 (P.L.1069, No.214), known as the Coal~~



1 ~~and Gas Resource Coordination Act; and~~

2 ~~(2) is incidental to a plugging or replugging operation~~  
3 ~~and the well is plugged within 15 days of redrilling.~~

4 ~~(b) Plat.~~

5 ~~(1) The permit application shall be accompanied by a~~  
6 ~~plat prepared by a competent engineer or a competent~~  
7 ~~surveyor, on forms furnished by the department, showing the~~  
8 ~~political subdivision and county in which the tract of land~~  
9 ~~upon which the well to be drilled is located; a list of~~  
10 ~~municipalities adjacent to the well site; the name of the~~  
11 ~~surface landowner of record and lessor; the name of all~~  
12 ~~surface landowners and water purveyors whose water supplies~~  
13 ~~are within 1,000 feet of the proposed well location or, in~~  
14 ~~the case of an unconventional well, within 2,500 feet of the~~  
15 ~~proposed well location; the name of the owner of record or~~  
16 ~~operator of all known underlying workable coal seams; the~~  
17 ~~acreage in the tract to be drilled; the proposed location of~~  
18 ~~the well determined by survey, courses and distances of the~~  
19 ~~location from two or more permanent identifiable points or~~  
20 ~~landmarks on the tract boundary corners; the proposed angle~~  
21 ~~and direction of the well if the well is to be deviated~~  
22 ~~substantially from a vertical course; the number or other~~  
23 ~~identification to be given the well; the workable coal seams~~  
24 ~~underlying the tract of land upon which the well is to be~~  
25 ~~drilled or altered and which shall be cased off under section~~  
26 ~~3217 (relating to protection of fresh groundwater and casing~~  
27 ~~requirements); and any other information needed by the~~  
28 ~~department to administer this chapter.~~

29 ~~(2) The applicant shall forward by certified mail a copy~~  
30 ~~of the plat to the surface landowner; the municipality in~~

1 ~~which the tract of land upon which the well to be drilled is~~  
2 ~~located; the municipalities adjacent to the well; all surface~~  
3 ~~landowners and water purveyors, whose water supplies are~~  
4 ~~within 1,000 feet of the proposed well location or, in the~~  
5 ~~case of an unconventional well, within 2,500 feet of the~~  
6 ~~proposed well location; the owner and lessee of any coal~~  
7 ~~seams; and each coal operator required to be identified on~~  
8 ~~the well permit application.~~

9 ~~(b.1) Notification. The applicant shall submit proof of~~  
10 ~~notification with the well permit application. Notification of~~  
11 ~~surface owners shall be performed by sending notice to those~~  
12 ~~persons to whom the tax notices for the surface property are~~  
13 ~~sent, as indicated in the assessment books in the county in~~  
14 ~~which the property is located. Notification of surface~~  
15 ~~landowners or water purveyors whose water supplies are within~~  
16 ~~1,000 feet of the proposed well location shall be on forms, and~~  
17 ~~in a manner prescribed by the department, sufficient to identify~~  
18 ~~the rights afforded those persons under section 3218 (relating~~  
19 ~~to protection of water supplies) and to advise them of the~~  
20 ~~advantages of taking their own predrilling or prealteration~~  
21 ~~survey.~~

22 ~~(b.2) Approval. If the applicant submits to the department~~  
23 ~~written approval of the proposed well location by the surface~~  
24 ~~landowner and the coal operator, lessee or owner of any coal~~  
25 ~~underlying the proposed well location and no objections are~~  
26 ~~raised by the department within 15 days of filing, or if no~~  
27 ~~approval has been submitted and no objections are made to the~~  
28 ~~proposed well location within 15 days from receipt of notice by~~  
29 ~~the department, the surface landowner or any coal operator,~~  
30 ~~lessee or owner, the written approval shall be filed and become~~

1 ~~a permanent record of the well location, subject to inspection~~  
2 ~~at any time by any interested person.~~

3 ~~(c) Applicants. If the applicant for a well permit is a~~  
4 ~~corporation, partnership or person that is not a resident of~~  
5 ~~this Commonwealth, the applicant shall designate the name and~~  
6 ~~address of an agent for the operator who shall be the attorney~~  
7 ~~in fact for the operator and who shall be a resident of this~~  
8 ~~Commonwealth upon whom notices, orders or other communications~~  
9 ~~issued under this chapter may be served and upon whom process~~  
10 ~~may be served. Each well operator required to designate an agent~~  
11 ~~under this section shall, within five days after termination of~~  
12 ~~the designation, notify the department of the termination and~~  
13 ~~designate a new agent.~~

14 ~~(d) Permit fee. Each application for a well permit shall be~~  
15 ~~accompanied by a permit fee, established by regulation of the~~  
16 ~~department, which bears a reasonable relationship to the cost of~~  
17 ~~administering this chapter.~~

18 ~~(e) Issuance of permit. The department shall issue a permit~~  
19 ~~within 45 days of submission of a permit application unless the~~  
20 ~~department denies the permit application for one or more of the~~  
21 ~~reasons set forth in subsection (e.1), except that the~~  
22 ~~department shall have the right to extend the period for 15 days~~  
23 ~~for cause shown upon notification to the applicant of the~~  
24 ~~reasons for the extension. The department may impose permit~~  
25 ~~terms and conditions necessary to assure compliance with this~~  
26 ~~chapter or other laws administered by the department.~~

27 ~~(e.1) Denial of permit. The department may deny a permit~~  
28 ~~for any of the following reasons:~~

29 ~~(1) The well site for which a permit is requested is in~~  
30 ~~violation of any of this chapter or issuance of the permit~~

1 ~~would result in a violation of this chapter or other~~  
2 ~~applicable law.~~

3 ~~(2) The permit application is incomplete.~~

4 ~~(3) Unresolved objections to the well location by coal-~~  
5 ~~mine owner or operator remain.~~

6 ~~(4) The requirements of section 3225 (relating to~~  
7 ~~bonding) have not been met.~~

8 ~~(5) (i) Either:~~

9 ~~(A) the department finds that the applicant, or~~  
10 ~~any parent or subsidiary corporation of the~~  
11 ~~applicant, is in continuing violation of this~~  
12 ~~subchapter, any other statute administered by the~~  
13 ~~department, any rule or regulation promulgated under~~  
14 ~~this subchapter or a statute administered by the~~  
15 ~~department or any plan approval, permit or order of~~  
16 ~~the department, unless the violation is being~~  
17 ~~corrected to the satisfaction of the department; or~~

18 ~~(B) the applicant, or any parent or subsidiary~~  
19 ~~corporation of the applicant, has shown a lack of~~  
20 ~~intention or ability to comply with the laws, rules,~~  
21 ~~regulations, approvals, permits or orders referred to~~  
22 ~~under clause (A).~~

23 ~~(ii) The right of the department to deny a permit~~  
24 ~~under subparagraph (i) shall not take effect until:~~

25 ~~(A) the department has taken a final action on~~  
26 ~~the violations;~~

27 ~~(B) (I) the applicant has not appealed the~~  
28 ~~final action in accordance with the act of July~~  
29 ~~13, 1988 (P.L.530, No.94), known as the~~  
30 ~~Environmental Hearing Board Act; or~~

1 ~~(II) if an appeal has been filed, no~~

2 ~~supersedeas has been issued.~~

3 ~~(c.2) Expedited review of applications.~~

4 ~~(1) The department may provide expedited reviews of~~  
5 ~~applications within time frames specified by the department~~  
6 ~~to applicants for permits and other approvals if the~~  
7 ~~applicant pays an additional fee determined by the department~~  
8 ~~based upon any incremental costs to the department associated~~  
9 ~~with the review. The reviews may be performed by persons~~  
10 ~~selected by the department who are not Commonwealth employees~~  
11 ~~if the department is the entity that takes action on the~~  
12 ~~application or by county conservation districts under an~~  
13 ~~agreement with the department.~~

14 ~~(2) The permits and approvals may be those issued by the~~  
15 ~~department under this act and for activities associated with~~  
16 ~~oil and gas activities under the following:~~

17 ~~(i) The act of June 22, 1937 (P.L.1987, No.394),~~  
18 ~~known as The Clean Streams Law.~~

19 ~~(ii) The act of January 8, 1960 (1959 P.L.2119,~~  
20 ~~No.787), known as the Air Pollution Control Act.~~

21 ~~(iii) The act of November 26, 1978 (P.L.1375,~~  
22 ~~No.325), known as the Dam Safety and Encroachments Act.~~

23 ~~(iv) The act of July 7, 1980 (P.L.380, No.97), known~~  
24 ~~as the Solid Waste Management Act.~~

25 ~~(v) The act of May 1, 1984 (P.L.206, No.43), known~~  
26 ~~as the Pennsylvania Safe Drinking Water Act.~~

27 ~~(vi) The act of July 10, 1984 (P.L.688, No.147),~~  
28 ~~known as the Radiation Protection Act.~~

29 ~~(vii) The act of December 19, 1984 (P.L.1093,~~  
30 ~~No.219), known as the Noncoal Surface Mining Conservation~~

1 ~~and Reclamation Act.~~

2 ~~(viii) The act of October 18, 1988 (P.L.756,~~  
3 ~~No.108), known as the Hazardous Sites Cleanup Act.~~

4 ~~(ix) The act of July 6, 1989 (P.L.169, No.32), known~~  
5 ~~as the Storage Tank and Spill Prevention Act.~~

6 ~~(3) The department may implement this subsection by~~  
7 ~~policy or by regulation promulgated by the Environmental~~  
8 ~~Quality Board.~~

9 ~~(4) The department shall consider relevant factors in~~  
10 ~~administering this section, including:~~

11 ~~(i) Legal requirements under applicable Federal and~~  
12 ~~State laws and regulations, including requirements for~~  
13 ~~public comment, and review by the Environmental~~  
14 ~~Protection Agency.~~

15 ~~(ii) Administrative completeness of applications.~~

16 ~~(iii) Adjustment of fees over time based on changes~~  
17 ~~in program costs.~~

18 ~~(iv) Applications submitted under seal by a~~  
19 ~~professional engineer, professional geologist or other~~  
20 ~~person licensed by the Department of State.~~

21 ~~(v) Actual or potential impacts to Federal and State~~  
22 ~~threatened and endangered species.~~

23 ~~(5) This subsection shall not apply to permits or~~  
24 ~~approvals for activities that may impact:~~

25 ~~(i) A water that is classified as high quality or~~  
26 ~~exceptional value under 25 Pa. Code Ch. 93 (relating to~~  
27 ~~water quality standards).~~

28 ~~(ii) Exceptional value wetlands as determined under~~  
29 ~~25 Pa. Code Ch. 105 (relating to dam safety and waterway~~  
30 ~~management).~~

1           ~~(iii) Public water supplies.~~

2           ~~(6) Fees collected under this subsection shall be~~  
3 ~~deposited into the fund for which fees are otherwise~~  
4 ~~deposited for the applicable permit or approval.~~

5           ~~(f) Drilling.~~

6           ~~(1) Upon issuance of a permit, the well operator may~~  
7 ~~drill at the location shown on the plat after providing the~~  
8 ~~department, the surface landowner and the local political~~  
9 ~~subdivision in which the well is to be located 24 hours'~~  
10 ~~notice of the date that drilling will commence.~~

11           ~~(2) The unconventional well operator shall provide the~~  
12 ~~department 24 hours' notice prior to cementing all casing~~  
13 ~~strings, conducting pressure tests of the production casing,~~  
14 ~~stimulation and abandoning or plugging an unconventional~~  
15 ~~well.~~

16           ~~(3) In noncoal areas where more than one well is to be~~  
17 ~~drilled as part of the same development project, only the~~  
18 ~~first well of the project need be located by survey.~~  
19 ~~Remaining wells of the project shall be shown on the plat in~~  
20 ~~a manner prescribed by regulation.~~

21           ~~(4) Prior to drilling each additional project well, the~~  
22 ~~well operator shall notify the department and provide~~  
23 ~~reasonable notice of the date on which drilling will~~  
24 ~~commence.~~

25           ~~(5) Whenever, before or during the drilling of a well~~  
26 ~~not within the boundaries of an operating coal mine, the well~~  
27 ~~operator encounters conditions of a nature which renders~~  
28 ~~drilling of the bore hole or a portion thereof impossible, or~~  
29 ~~more hazardous than usual, the well operator, upon verbal~~  
30 ~~notice to the department, may immediately plug all or part of~~

~~the bore hole, if drilling has occurred, and commence a new bore hole not more than 50 feet from the old bore hole if the location of the new bore hole does not violate section 3215 (relating to well location restrictions) and, in the case of a well subject to act of July 25, 1961 (P.L.825, No.359), known as the Oil and Gas Conservation Law, if the new location complies with existing laws, regulations and spacing orders and the new bore hole is at least 330 feet from the nearest lease boundary.~~

~~(6) Within ten days of commencement of the new bore hole, the well operator shall file with the department a written notice of intention to plug, a well record, a completion report, a plugging certificate for the original bore hole and an amended plat for the new bore hole.~~

~~(7) The well operator shall forward a copy of the amended plat to the surface landowner identified on the well permit application within ten days of commencement of the new well bore.~~

~~(g) Posting. The well permit number and operator's name, address and telephone number shall be conspicuously posted at the drilling site prior to commencement of drilling.~~

~~(h) Labeling. The well operator shall install the permit number issued by the department in a legible, visible and permanent manner on the well upon completion.~~

~~(i) Expiration. Well permits issued for drilling wells under this chapter shall expire one year after issuance unless operations for drilling the well are commenced within the period and pursued with due diligence or unless the permit is renewed in accordance with regulations of the department. If drilling is commenced during the one year period, the well permit shall~~



1 ~~remain in force until the well is plugged in accordance with~~  
2 ~~section 3220 (relating to plugging requirements) or the permit~~  
3 ~~is revoked. A drilling permit issued prior to April 18, 1985,~~  
4 ~~for a well which is an operating well on April 18, 1985, shall~~  
5 ~~remain in force as a well permit until the well is plugged in~~  
6 ~~accordance with section 3220. Nothing in this subsection shall~~  
7 ~~be construed to rescind the provisions pertaining to drilling~~  
8 ~~permits contained in Chapter 34.~~

9 ~~(j) Exceptions. The Environmental Quality Board may~~  
10 ~~establish by regulation certain categories of alterations of~~  
11 ~~permitted or registered wells for which permitting requirements~~  
12 ~~of this section shall not apply. A well operator or owner who~~  
13 ~~proposes to conduct the alteration activity shall first obtain a~~  
14 ~~permit or registration modification from the department. The~~  
15 ~~Environmental Quality Board shall promulgate regulations as to~~  
16 ~~the requirements for modifications.~~

17 ~~(k) No transfer permitted. No permit issued under this~~  
18 ~~section or registration issued under section 3213 (relating to~~  
19 ~~well registration and identification) may be transferred without~~  
20 ~~prior approval of the department. A request for approval of a~~  
21 ~~transfer shall be on the forms, and in the manner, prescribed by~~  
22 ~~the department. The department shall approve or deny a transfer~~  
23 ~~request within 45 days of receipt of a complete and accurate~~  
24 ~~application. The department may deny a request only for reasons~~  
25 ~~set forth in subsection (e.1) (4) and (5). Approval of a transfer~~  
26 ~~request shall permanently transfer responsibility to plug the~~  
27 ~~well under section 3220 to the recipient of the transferred~~  
28 ~~permit or registration.~~

29 ~~(l) Regulations. The Environmental Quality Board may~~  
30 ~~establish by regulation requirements for the permitting and~~

1 ~~operation of abandoned or orphan wells. A person who proposes to~~  
2 ~~conduct abandoned or orphan well operations shall first obtain a~~  
3 ~~permit to operate an abandoned or orphan well.~~

4 ~~(m) Water management. The following shall apply to water~~  
5 ~~management:~~

6 ~~(1) No person may withdraw or use water from water~~  
7 ~~sources within this Commonwealth for the drilling or~~  
8 ~~hydraulic fracture stimulation of any natural gas well~~  
9 ~~completed in an unconventional gas formation, whether on or~~  
10 ~~off of the land where the gas well is located, except in~~  
11 ~~accordance with a water management plan approved by the~~  
12 ~~department.~~

13 ~~(2) The department shall review and approve water~~  
14 ~~management plans based upon a determination that the proposed~~  
15 ~~withdrawal, when operated in accordance with the proposed~~  
16 ~~withdrawal operating conditions set forth in the plan,~~  
17 ~~including conditions relating to quantity, withdrawal rate~~  
18 ~~and timing and any passby flow conditions, will:~~

19 ~~(i) not adversely affect the quantity or quality of~~  
20 ~~water available to other users of the same water sources;~~

21 ~~(ii) protect and maintain the designated and~~  
22 ~~existing uses of water sources; and~~

23 ~~(iii) not cause adverse impact to water quality in~~  
24 ~~the watershed considered as a whole.~~

25 ~~(3) (i) The criteria under paragraph (2) shall be~~  
26 ~~presumed to be achieved if the proposed water withdrawal~~  
27 ~~has been approved by and is operated in accordance with~~  
28 ~~conditions established by the Susquehanna River Basin~~  
29 ~~Commission, the Delaware River Basin Commission or the~~  
30 ~~Great Lakes Commission, as applicable.~~

~~(ii) Notwithstanding subparagraph (i), the department may establish additional requirements as necessary to comply with the laws of this Commonwealth.~~

~~(4) In addition to the requirements under paragraphs (1), (2) and (3), compliance with a department approved water management plan shall be a condition of any permit issued under this chapter for the drilling or hydraulic fracture stimulation of any natural gas well completed in an unconventional formation and shall be deemed to satisfy the laws of this Commonwealth.~~

~~§ 3212. Permit objections.~~

~~(a) General rule. If a well referred to in section 3211(b) (relating to well permits) will be located on a tract whose surface is owned by a person other than the well operator, the surface landowner affected shall be notified of the intent to drill and may file objections, in accordance with section 3251 (relating to conferences), based on the assertion that the well location violates section 3215 (relating to well location restrictions) or that information in the application is untrue in any material respect, within 15 days of the receipt by the surface owner of the plat under section 3211(b). Receipt of notice by the surface owner shall be presumed to have occurred 15 days from the date of the certified mailing when the well operator submits a copy of the certified mail receipt sent to the surface owner and an affidavit certifying that the address of the surface owner to which notice was sent is the same as the address listed in the assessment books in the county where the property is located. If no objection is filed or none is raised by the department within 15 days after receipt of the plat by the surface landowner, or, if written approval by the surface~~

1 ~~landowner is filed with the department and no objection is~~  
2 ~~raised by the department within 15 days of filing, the~~  
3 ~~department shall proceed to issue or deny the permit.~~

4 ~~(b) Special circumstances. If a well referred to in section~~  
5 ~~3211(b) will penetrate within the outside coal boundaries of an~~  
6 ~~operating coal mine or a coal mine already projected and platted~~  
7 ~~but not yet being operated, or within 1,000 linear feet beyond~~  
8 ~~those boundaries, and, in the opinion of the coal owner or~~  
9 ~~operator, the well or a pillar of coal about the well will~~  
10 ~~unduly interfere with or endanger the mine, the coal owner or~~  
11 ~~operator affected may file objections under section 3251 to the~~  
12 ~~proposed location within 15 days of the receipt by the coal~~  
13 ~~operator of the plat under section 3211(b). If possible, an~~  
14 ~~alternative location at which the proposed well could be drilled~~  
15 ~~to overcome the objections shall be indicated. If no objection~~  
16 ~~to the proposed location is filed or if none is raised by the~~  
17 ~~department within 15 days after receipt of the plat by the coal~~  
18 ~~operator or owner, or, if written approval by the coal operator~~  
19 ~~or owner of the location is filed with the department and no~~  
20 ~~objection is raised by the department within 15 days of filing,~~  
21 ~~the department shall proceed to issue or deny the permit.~~

22 ~~(c) Procedure upon objection. If an objection is filed by a~~  
23 ~~coal operator or owner or made by the department, the department~~  
24 ~~shall fix a time and place for a conference under section 3251~~  
25 ~~not more than ten days from the date of service of the objection~~  
26 ~~to allow the parties to consider the objection and attempt to~~  
27 ~~agree on a location. If they fail to agree, the department, by~~  
28 ~~an appropriate order, shall determine a location on the tract of~~  
29 ~~land as near to the original location as possible where, in the~~  
30 ~~judgment of the department, the well can be safely drilled~~

1 ~~without unduly interfering with or endangering the mine as~~  
2 ~~defined in subsection (b). The new location agreed upon by the~~  
3 ~~parties or determined by the department shall be indicated on~~  
4 ~~the plat on file with the department and become a permanent~~  
5 ~~record upon which the department shall proceed to issue or deny~~  
6 ~~the permit.~~

7 ~~(d) Survey. Within 120 days after commencement of drilling~~  
8 ~~operations, the coal operator shall accurately locate the well~~  
9 ~~by a closed survey on the same datum as the mine workings or~~  
10 ~~coal boundaries are mapped, file the results of the survey with~~  
11 ~~the department and forward a copy by certified mail to the well~~  
12 ~~operator.~~

13 ~~§ 3212.1. Comments by municipalities.~~

14 ~~(a) General rule. The municipality where the tract of land~~  
15 ~~upon which the unconventional well to be drilled is located may~~  
16 ~~submit written comments to the department describing local~~  
17 ~~conditions or circumstances which the municipality has~~  
18 ~~determined should be considered by the department in rendering~~  
19 ~~its determination on the unconventional well permit. A comment~~  
20 ~~under this subsection must be submitted to the department within~~  
21 ~~15 days of the receipt of the plat under section 3211(b)~~  
22 ~~(relating to well permits). The municipality shall~~  
23 ~~simultaneously forward a copy of its comments to the permit~~  
24 ~~applicant and all other parties entitled to a copy of the plat~~  
25 ~~under section 3211(b), who may submit a written response. A~~  
26 ~~written response must be submitted to the department within ten~~  
27 ~~days of receipt of the comments of the municipality.~~

28 ~~(b) Consideration by department. Comments and responses~~  
29 ~~under subsection (a) may be considered by the department in~~  
30 ~~accordance with section 3215(d) (relating to well location~~

1 ~~restrictions).~~

2 ~~(c) No extension of time period. The process outlined in~~  
3 ~~this section shall not extend the time period for the issuance~~  
4 ~~or denial of a permit beyond the time period set forth in this~~  
5 ~~chapter.~~

6 ~~§ 3213. Well registration and identification.~~

7 ~~(a) General rule. On or before July 5, 1996, each person~~  
8 ~~who owned or operated a well in existence prior to April 18,~~  
9 ~~1985, which has not been registered with the department and for~~  
10 ~~which no drilling permit has been issued by the department,~~  
11 ~~shall register the well with the department. A well owner or~~  
12 ~~operator who registers under this subsection and a well owner or~~  
13 ~~operator who has previously registered a well under this chapter~~  
14 ~~shall, on or before July 5, 1996, identify any abandoned well on~~  
15 ~~property which the well owner or operator owns or leases and~~  
16 ~~request approval from the department for classification of the~~  
17 ~~well as an orphan well. Information regarding wells to be~~  
18 ~~registered or identified shall be provided on a form, or in a~~  
19 ~~manner, prescribed by the department, and shall include:~~

20 ~~(1) The name and address of the well operator and, if~~  
21 ~~the well operator is a corporation, partnership or person~~  
22 ~~nonresident of this Commonwealth, the name and address of an~~  
23 ~~agent for the operator upon whom notices, orders, process or~~  
24 ~~other communications issued under this chapter may be served.~~

25 ~~(2) The well name and the location of the well indicated~~  
26 ~~by a point on a 7 1/2 minute United States Geological Survey~~  
27 ~~topographic map or any other location description sufficient~~  
28 ~~to enable the department to locate the well on the ground.~~

29 ~~(3) The approximate date of drilling and completing the~~  
30 ~~well, its approximate depth and producing horizons, well~~

1 ~~construction information and, if available, driller's logs.~~

2 ~~(4) An indemnity bond, an alternative fee in lieu of~~  
3 ~~bonding or other evidence of financial security submitted by~~  
4 ~~the well operator and deemed appropriate by the department~~  
5 ~~and satisfying the requirements of section 3225 (relating to~~  
6 ~~bonding). No bond, alternative fee or other evidence of~~  
7 ~~financial security shall be required for identification of an~~  
8 ~~orphan well. For wells drilled prior to January 30, 1956,~~  
9 ~~which have not been bonded, the well operator shall have five~~  
10 ~~years to comply with the provisions of this paragraph.~~

11 ~~(5) A registration fee of \$15 per well or blanket~~  
12 ~~registration fee of \$250 for multiple well registration~~  
13 ~~applications submitted simultaneously. The registration fee~~  
14 ~~shall be waived until July 5, 1996, and no fee shall be~~  
15 ~~charged for identification of an orphan well.~~

16 ~~(a.1) Orphan wells. After July 5, 1996, a well owner, well~~  
17 ~~operator or other person discovering an abandoned well on~~  
18 ~~property purchased or leased by the well owner, well operator or~~  
19 ~~other person shall identify it to the department within 60 days~~  
20 ~~of discovery and advise the department that he is seeking~~  
21 ~~classification of the well as an orphan well. No fee shall be~~  
22 ~~required for identification.~~

23 ~~(b) Extension. The department may extend the one year time~~  
24 ~~period under subsection (a) for good cause shown. The extension~~  
25 ~~may not exceed a period ending two years from April 18, 1985.~~  
26 ~~The department may adopt and promulgate guidelines designed to~~  
27 ~~ensure a fair implementation of this section, recognizing the~~  
28 ~~practical difficulties of locating unpermitted wells and~~  
29 ~~complying with the reporting requirements of this chapter.~~

30 ~~(c) Installation of registration number. The well operator~~

1 ~~shall install the registration number issued by the department~~  
2 ~~in a legible, conspicuous and permanent manner on the well~~  
3 ~~within 60 days of issuance.~~

4 ~~(d) Definition. For purposes of subsection (a) (4) and (5),~~  
5 ~~the term "owner" does not include an owner or possessor of~~  
6 ~~surface real property, on which an abandoned well is located,~~  
7 ~~who did not participate or incur costs in, and had no right of~~  
8 ~~control over, the drilling or extraction operation of the~~  
9 ~~abandoned well.~~

10 ~~§ 3214. Inactive status.~~

11 ~~(a) General rule. Upon application, the department shall~~  
12 ~~grant inactive status for a period of five years for a permitted~~  
13 ~~or registered well, if the following requirements are met:~~

14 ~~(1) the condition of the well is sufficient to prevent~~  
15 ~~damage to the producing zone or contamination of fresh water~~  
16 ~~or other natural resources or surface leakage of any~~  
17 ~~substance;~~

18 ~~(2) the condition of the well is sufficient to stop the~~  
19 ~~vertical flow of fluids or gas within the well bore and is~~  
20 ~~adequate to protect freshwater aquifers, unless the~~  
21 ~~department determines the well poses a threat to the health~~  
22 ~~and safety of persons or property or to the environment;~~

23 ~~(3) the operator anticipates construction of a pipeline~~  
24 ~~or future use of the well for primary or enhanced recovery,~~  
25 ~~gas storage, approved disposal or other appropriate uses~~  
26 ~~related to oil and gas well production; and~~

27 ~~(4) the applicant satisfies the bonding requirements of~~  
28 ~~sections 3213 (relating to well registration and~~  
29 ~~identification) and 3225 (relating to bonding), except that~~  
30 ~~the department may require additional financial security for~~



1 ~~a well on which an alternative fee is being paid in lieu of~~  
2 ~~bonding under section 3225(d).~~

3 ~~(b) Monitoring. The owner or operator of a well granted~~  
4 ~~inactive status shall be responsible for monitoring the~~  
5 ~~mechanical integrity of the well to ensure that the requirements~~  
6 ~~of subsection (a)(1) and (2) are met and shall report the same~~  
7 ~~on an annual basis to the department in the manner and form~~  
8 ~~prescribed by departmental regulations.~~

9 ~~(c) (Reserved).~~

10 ~~(d) Return to active status. A well granted inactive status~~  
11 ~~under subsection (a) shall be plugged in accordance with section~~  
12 ~~3220 (relating to plugging requirements) or returned to active~~  
13 ~~status within five years of the date inactive status was~~  
14 ~~granted, unless the owner or operator applies for an extension~~  
15 ~~of inactive status which may be granted on a year to year basis~~  
16 ~~if the department determines that the owner or operator has~~  
17 ~~demonstrated ability to continue meeting the requirements of~~  
18 ~~this section and the owner or operator certifies that the well~~  
19 ~~will be of future use within a reasonable period of time. An~~  
20 ~~owner or operator who has been granted inactive status for a~~  
21 ~~well which is returned to active status prior to expiration of~~  
22 ~~the five year period set forth in subsection (a) shall notify~~  
23 ~~the department that the well has been returned to active status~~  
24 ~~and shall not be permitted to apply for another automatic five~~  
25 ~~year period of inactive status for the well. The owner or~~  
26 ~~operator may make application to return the well to inactive~~  
27 ~~status, and the application may be approved on a year to year~~  
28 ~~basis if the department determines that the owner or operator~~  
29 ~~has demonstrated an ability to continue meeting the requirements~~  
30 ~~of this section and the owner or operator certifies that the~~

1 ~~well will be of future use within a reasonable period of time.~~  
2 ~~The department shall approve or deny an application to extend a~~  
3 ~~period of inactive status or to return a well to inactive status~~  
4 ~~within 60 days of receipt of the application, and the~~  
5 ~~application shall not be unreasonably denied. If the department~~  
6 ~~has not completed its review of the application within 60 days,~~  
7 ~~the inactive status shall continue until the department has made~~  
8 ~~a determination on the request. If the department denies an~~  
9 ~~application to extend the period of inactive status or to return~~  
10 ~~a well to inactive status, a well owner or operator aggrieved by~~  
11 ~~the denial shall have the right to appeal the denial to the~~  
12 ~~Environmental Hearing Board within 30 days of receipt of the~~  
13 ~~denial. Upon cause shown by a well owner or operator, the board~~  
14 ~~may grant a supersedeas under section 4 of the act of July 13,~~  
15 ~~1988 (P.L.530, No.94), known as the Environmental Hearing Board~~  
16 ~~Act, so that the well in question may retain inactive status~~  
17 ~~during the period of the appeal.~~

18 ~~(c) Revocation of inactive status. The department may~~  
19 ~~revoke inactive status and order immediate plugging of a well if~~  
20 ~~the well is in violation of this chapter or rules or regulations~~  
21 ~~promulgated under this chapter or if the owner or operator~~  
22 ~~demonstrates inability to perform obligations under this chapter~~  
23 ~~or becomes financially insolvent, or upon receipt by the~~  
24 ~~department of notice of bankruptcy proceedings by the permittee.~~  
25 ~~§ 3215. Well location restrictions.~~

26 ~~(a) General rule. Wells may not be drilled within 200 feet,~~  
27 ~~or, in the case of an unconventional well, 500 feet measured~~  
28 ~~horizontally from any existing building or existing water well~~  
29 ~~without written consent of the owner of the building or water~~  
30 ~~well. Unconventional wells may not be drilled within 1,000 feet~~

1 ~~measured horizontally from any existing water well, surface~~  
2 ~~water intake, reservoir or other source used by a water~~  
3 ~~purveyor. If the distance restriction would deprive the owner of~~  
4 ~~the oil and gas rights of the right to produce or share in the~~  
5 ~~oil or gas underlying the surface tract, the well operator may~~  
6 ~~be granted a variance from the distance restriction upon~~  
7 ~~submission of a plan identifying the additional measures,~~  
8 ~~facilities or practices to be employed during well site~~  
9 ~~construction, drilling and operations. The variance, if granted,~~  
10 ~~shall include additional terms and conditions required by the~~  
11 ~~department to ensure safety and protection of affected persons~~  
12 ~~and property, including insurance, bonding, indemnification and~~  
13 ~~technical requirements.~~

14 ~~(b) Limitation. No well site may be prepared or well~~  
15 ~~drilled within 100 feet, or, in the case of an unconventional~~  
16 ~~well, 300 feet measured horizontally from a stream, spring or~~  
17 ~~body of water as identified on the most current 7 1/2 minute~~  
18 ~~topographic quadrangle map of the United States Geological~~  
19 ~~Survey or within 100 feet, or, in the case of an unconventional~~  
20 ~~well, 300 feet of any wetlands greater than one acre in size.~~  
21 ~~The department may waive the distance restrictions upon~~  
22 ~~submission of a plan identifying additional measures, facilities~~  
23 ~~or practices to be employed during well site construction,~~  
24 ~~drilling and operations. The waiver, if granted, shall impose~~  
25 ~~permit conditions necessary to protect the waters of the~~  
26 ~~Commonwealth.~~

27 ~~(c) Impact. On making a determination on a well permit, the~~  
28 ~~department shall consider impact of the proposed well on public~~  
29 ~~resources, including, but not limited to:~~

30 ~~(1) Publicly owned parks, forests, game lands and~~

1 ~~wildlife areas.~~

2 ~~(2) National or State scenic rivers.~~

3 ~~(3) National natural landmarks.~~

4 ~~(4) Habitats of rare and endangered flora and fauna and~~  
5 ~~other critical communities.~~

6 ~~(5) Historical and archaeological sites listed on the~~  
7 ~~Federal or State list of historic places.~~

8 ~~(d) Consideration of municipality comments. The department~~  
9 ~~may consider the comments submitted under section 3212.1~~  
10 ~~(relating to comments by municipalities) in making a~~  
11 ~~determination on a well permit. Notwithstanding any other law,~~  
12 ~~no municipality shall have a right of appeal or other form of~~  
13 ~~review from the department's decision.~~

14 ~~(e) Public resources impact criteria. The Environmental~~  
15 ~~Quality Board may develop by regulation criteria for the~~  
16 ~~department to utilize for conditioning a well permit based on~~  
17 ~~its impact to the public resources identified under subsection~~  
18 ~~(e).~~

19 ~~(f) Floodplains.~~

20 ~~(1) No well site may be prepared or well drilled within~~  
21 ~~any floodplain if the well site will have:~~

22 ~~(i) a pit or impoundment containing drilling~~  
23 ~~cuttings, flowback water, produced water or hazardous~~  
24 ~~materials, chemicals or wastes within the floodplain; or~~

25 ~~(ii) a tank containing hazardous materials,~~  
26 ~~chemicals, condensate, wastes, flowback or produced water~~  
27 ~~within the floodway.~~

28 ~~(2) A well site shall not be eligible for a floodplain~~  
29 ~~restriction waiver if the well site will have a tank~~  
30 ~~containing condensate, flowback or produced water within the~~

1 ~~flood fringe unless all the tanks have adequate floodproofing~~  
2 ~~in accordance with the National Flood Insurance Program~~  
3 ~~standards and accepted engineering practices.~~

4 ~~(3) The department may waive restrictions upon~~  
5 ~~submission of a plan that shall identify the additional~~  
6 ~~measures, facilities or practices to be employed during well~~  
7 ~~site construction, drilling and operations. The waiver, if~~  
8 ~~granted, shall impose permit conditions necessary to protect~~  
9 ~~the waters of this Commonwealth.~~

10 ~~(4) Best practices to ensure the protection of the~~  
11 ~~waters of this Commonwealth must be utilized for the storage~~  
12 ~~and handling of all water, chemicals, fuels, hazardous~~  
13 ~~materials or solid waste on a well site located in a~~  
14 ~~floodplain. The department may request that the well site~~  
15 ~~operator submit a plan for the storage and handling of~~  
16 ~~materials for approval by the department and may impose~~  
17 ~~conditions or amend permits to include permit conditions as~~  
18 ~~are necessary to protect the environment, public health and~~  
19 ~~safety.~~

20 ~~(5) Unless otherwise specified by the department, the~~  
21 ~~boundary of the floodplain shall be as indicated on maps and~~  
22 ~~flood insurance studies provided by the Federal Emergency~~  
23 ~~Management Agency. In an area where no Federal Emergency~~  
24 ~~Management Agency maps or studies have defined the boundary~~  
25 ~~of the 100 year frequency floodplain, absent evidence to the~~  
26 ~~contrary, the floodplain shall extend from:~~

27 ~~(i) any perennial stream up to 100 feet horizontally~~  
28 ~~from the top of the bank of the perennial stream; or~~

29 ~~(ii) from any intermittent stream up to 50 feet~~  
30 ~~horizontally from the top of the bank of the intermittent~~

1 ~~stream.~~

2 ~~§ 3215.1. General restrictions.~~

3 ~~(a) Security fencing. Security fencing shall be installed~~  
4 ~~at the oil or gas well site to secure all permanent buildings,~~  
5 ~~facilities, structures and equipment at the site and to protect~~  
6 ~~the public. Warning signs shall be placed on the security~~  
7 ~~fencing providing notice of potential dangers and providing~~  
8 ~~contact information in case of an emergency.~~

9 ~~(b) Temporary operations. The following shall apply to~~  
10 ~~temporary operations:~~

11 ~~(1) Except as provided under subsection (a) and~~  
12 ~~paragraph (2), temporary security fencing shall be installed~~  
13 ~~at the oil or gas well site to secure all buildings,~~  
14 ~~facilities, structures and equipment at the site and to~~  
15 ~~protect the public. Warning signs shall be placed at the well~~  
16 ~~site providing notice of potential dangers and providing~~  
17 ~~contact information in case of an emergency.~~

18 ~~(2) In lieu of security fencing under paragraph (1), a~~  
19 ~~well owner or operator may establish a guard station with 24~~  
20 ~~hour staffing at the entrance of the site to prevent~~  
21 ~~unauthorized access.~~

22 ~~(c) Lighting. Lighting at the well site and at other~~  
23 ~~buildings, facilities and structures directly related to oil and~~  
24 ~~gas operations, either temporary or permanent, shall be directed~~  
25 ~~downward and inward toward the activity, to the extent~~  
26 ~~practicable, so as to minimize the glare on public roads and~~  
27 ~~nearby buildings within 100 feet of the well site, building,~~  
28 ~~facility or structure.~~

29 ~~(d) Noise regulations. Well owners and operators shall~~  
30 ~~comply with all applicable noise regulations promulgated by the~~

1 ~~Federal Energy Regulatory Commission, except that the noise~~  
2 ~~level from permanent oil and gas operations may not exceed 60~~  
3 ~~dBA at the nearest property line of the tract of land upon which~~  
4 ~~oil and gas operations are being conducted.~~

5 ~~(c) Atmospheric discharge. Well owners and operators shall~~  
6 ~~comply with each applicable environmental law governing the~~  
7 ~~discharge of gases, vapors and odors into the atmosphere. The~~  
8 ~~discharge of gases, vapors and odors during oil and gas~~  
9 ~~operations may not unreasonably interfere with the comfortable~~  
10 ~~enjoyment of life or property.~~

11 ~~§ 3216. Well site restoration.~~

12 ~~(a) General rule. Each oil or gas well owner or operator~~  
13 ~~shall restore the land surface within the area disturbed in~~  
14 ~~siting, drilling, completing and producing the well.~~

15 ~~(b) Plan. During and after earthmoving or soil disturbing~~  
16 ~~activities, including, but not limited to, activities related to~~  
17 ~~siting, drilling, completing, producing and plugging the well,~~  
18 ~~erosion and sedimentation control measures shall be implemented~~  
19 ~~in accordance with an erosion and sedimentation control plan~~  
20 ~~prepared in accordance with the act of June 22, 1937 (P.L.1987,~~  
21 ~~No.394), known as The Clean Streams Law.~~

22 ~~(c) Pits, drilling supplies and equipment. Within nine~~  
23 ~~months after completion of drilling of a well, the owner or~~  
24 ~~operator shall restore the well site, remove or fill all pits~~  
25 ~~used to contain produced fluids or industrial wastes and remove~~  
26 ~~all drilling supplies and equipment not needed for production.~~  
27 ~~Drilling supplies and equipment not needed for production may be~~  
28 ~~stored on the well site if express written consent of the~~  
29 ~~surface landowner is obtained.~~

30 ~~(d) Items related to production or storage. Within nine~~

1 ~~months after plugging a well, the owner or operator shall remove~~  
2 ~~all production or storage facilities, supplies and equipment and~~  
3 ~~restore the well site.~~

4 ~~(e) Clean Streams Law. Restoration activities required by~~  
5 ~~this chapter or in regulations promulgated under this chapter~~  
6 ~~shall also comply with all applicable provisions of The Clean~~  
7 ~~Streams Law.~~

8 ~~(f) Violation of chapter. Failure to restore the well site~~  
9 ~~as required in this chapter or regulations promulgated under~~  
10 ~~this chapter constitutes a violation of this chapter.~~

11 ~~(g) Extension.~~

12 ~~(1) The restoration period may be extended by the~~  
13 ~~department for an additional period of time not to exceed two~~  
14 ~~years upon demonstration by the well owner or operator that:~~

15 ~~(i) the extension will result in less earth~~  
16 ~~disturbance, increased water reuse or more efficient~~  
17 ~~development of the resources; or~~

18 ~~(ii) site restoration cannot be achieved due to~~  
19 ~~adverse weather conditions or a lack of essential fuel,~~  
20 ~~equipment or labor.~~

21 ~~(2) The demonstration under paragraph (1) shall do all~~  
22 ~~of the following:~~

23 ~~(i) Include a site restoration plan that shall~~  
24 ~~provide for:~~

25 ~~(A) the timely removal or fill of all pits used~~  
26 ~~to contain produced fluids or industrial wastes;~~

27 ~~(B) the removal of all drilling supplies and~~  
28 ~~equipment not needed for production;~~

29 ~~(C) the stabilization of the well site that~~  
30 ~~shall include interim postconstruction storm water~~



1 ~~management best management practices; or~~

2 ~~(D) other measures to be employed to minimize~~  
3 ~~accelerated erosion and sedimentation in accordance~~  
4 ~~with The Clean Streams Law.~~

5 ~~(ii) Provide for returning the portions of the site~~  
6 ~~not occupied by production facilities or equipment to~~  
7 ~~approximate original contours and making them capable of~~  
8 ~~supporting the uses that existed prior to drilling the~~  
9 ~~well.~~

10 ~~(3) The department may condition an extension under this~~  
11 ~~subsection as is necessary in accordance with The Clean~~  
12 ~~Streams Law.~~

13 ~~§ 3217. Protection of fresh groundwater and casing~~  
14 ~~requirements.~~

15 ~~(a) General rule. To aid in protection of fresh~~  
16 ~~groundwater, well operators shall control and dispose of brines~~  
17 ~~produced from the drilling, alteration or operation of an oil or~~  
18 ~~gas well in a manner consistent with the act of June 22, 1937~~  
19 ~~(P.L.1987, No.394), known as The Clean Streams Law, or any rule~~  
20 ~~or regulation promulgated under The Clean Streams Law.~~

21 ~~(b) Casing. To prevent migration of gas or fluids into~~  
22 ~~sources of fresh groundwater and pollution or diminution of~~  
23 ~~fresh groundwater, a string or strings of casing shall be run~~  
24 ~~and permanently cemented in each well drilled through the fresh~~  
25 ~~water bearing strata to a depth and in a manner prescribed by~~  
26 ~~regulation by the department.~~

27 ~~(c) Procedure when coal has been removed. If a well is~~  
28 ~~drilled at a location where coal has been removed from one or~~  
29 ~~more coal seams, the well shall be drilled and cased to prevent~~  
30 ~~migration of gas or fluids into the seam from which coal has~~

1 ~~been removed in a manner prescribed by regulation of the~~  
2 ~~department. The department and the coal operator, owner or~~  
3 ~~lessee shall be given at least 72 hours' notice prior to~~  
4 ~~commencement of work protecting the mine.~~

5 ~~(d) Procedure when coal has not been removed. If a well is~~  
6 ~~drilled at a location where the coal seam has not been removed,~~  
7 ~~the well shall be drilled to a depth and of a size sufficient to~~  
8 ~~permit placement of casing, packers in and vents on the hole at~~  
9 ~~the points and in the manner prescribed by regulation to exclude~~  
10 ~~gas or fluids from the coal seam, except gas or fluids found~~  
11 ~~naturally in the seam itself, and to enable monitoring the~~  
12 ~~integrity of the production casing.~~

13 ~~§ 3218. Protection of water supplies.~~

14 ~~(a) General rule. A well operator who affects a public or~~  
15 ~~private water supply by pollution or diminution shall restore or~~  
16 ~~replace the affected supply with an alternate source of water~~  
17 ~~adequate in quantity or quality for the purposes served by the~~  
18 ~~supply.~~

19 ~~(b) Pollution or diminution of water supply. A landowner or~~  
20 ~~water purveyor suffering pollution or diminution of a water~~  
21 ~~supply as a result of the drilling, alteration or operation of~~  
22 ~~an oil or gas well may so notify the department and request that~~  
23 ~~an investigation be conducted. Within ten days of notification,~~  
24 ~~the department shall investigate the claim and make a~~  
25 ~~determination within 45 days following notification. If the~~  
26 ~~department finds that the pollution or diminution was caused by~~  
27 ~~drilling, alteration or operation activities or if it presumes~~  
28 ~~the well operator responsible for pollution under subsection~~  
29 ~~(c), the department shall issue orders to the well operator~~  
30 ~~necessary to assure compliance with subsection (a), including~~

1 ~~orders requiring temporary replacement of a water supply where~~  
2 ~~it is determined that pollution or diminution may be of limited~~  
3 ~~duration.~~

4 ~~(c) Presumption. Unless rebutted by a defense established~~  
5 ~~in subsection (d), it shall be presumed that a well operator is~~  
6 ~~responsible for pollution of a water supply if:~~

7 ~~(1) except as set forth in paragraph (2):~~

8 ~~(i) the water supply is within 1,000 feet of an oil~~  
9 ~~or gas well; and~~

10 ~~(ii) the pollution occurred within six months after~~  
11 ~~completion of drilling or alteration of the oil or gas~~  
12 ~~well; or~~

13 ~~(2) in the case of an unconventional well:~~

14 ~~(i) the water supply is within 2,500 feet of the~~  
15 ~~unconventional well; and~~

16 ~~(ii) the pollution occurred within 12 months of the~~  
17 ~~later of completion, drilling or alteration of the~~  
18 ~~unconventional well.~~

19 ~~(d) Defenses. To rebut the presumption established under~~  
20 ~~subsection (c), a well operator must affirmatively prove any of~~  
21 ~~the following:~~

22 ~~(1) The pollution existed prior to the drilling or~~  
23 ~~alteration activity as determined by a predrilling or~~  
24 ~~prealteration survey.~~

25 ~~(2) The landowner or water purveyor refused to allow the~~  
26 ~~operator access to conduct a predrilling or prealteration~~  
27 ~~survey.~~

28 ~~(3) The water supply is not within 1,000 feet of the~~  
29 ~~well.~~

30 ~~(4) The pollution occurred more than six months after~~

1 ~~completion of drilling or alteration activities.~~

2 ~~(5) The pollution occurred as the result of a cause~~  
3 ~~other than the drilling or alteration activity.~~

4 ~~(e) Independent certified laboratory. An operator electing~~  
5 ~~to preserve a defense under subsection (d) (1) or (2) shall~~  
6 ~~retain an independent certified laboratory to conduct a~~  
7 ~~predrilling or prealteration survey of the water supply. A copy~~  
8 ~~of survey results shall be submitted to the department and the~~  
9 ~~landowner or water purveyor in the manner prescribed by the~~  
10 ~~department.~~

11 ~~(f) Other remedies preserved. Nothing in this section shall~~  
12 ~~prevent a landowner or water purveyor claiming pollution or~~  
13 ~~diminution of a water supply from seeking any other remedy at~~  
14 ~~law or in equity.~~

15 ~~§ 3219. Use of safety devices.~~

16 ~~Any person engaged in drilling an oil or gas well shall equip~~  
17 ~~it with casings of sufficient strength, and other safety devices~~  
18 ~~as are necessary, in the manner prescribed by regulation of the~~  
19 ~~department, and shall use every effort and endeavor effectively~~  
20 ~~to prevent blowouts, explosions and fires.~~

21 ~~§ 3219.1. Well control emergency response.~~

22 ~~(a) Contracts. The department may enter into contracts with~~  
23 ~~well control specialists in order to provide adequate emergency~~  
24 ~~response services in the event of a well control emergency.~~

25 ~~(b) Civil immunity. Except as set forth in subsection (c),~~  
26 ~~a well control specialist with which the department has entered~~  
27 ~~into a contract under subsection (a) shall be immune from civil~~  
28 ~~liability for actions taken in good faith to carry out its~~  
29 ~~contractual obligations.~~

30 ~~(c) Nonapplicability. Subsection (b) shall not apply to~~

1 ~~damage arising from any of the following:~~

2 ~~(1) Breach of the contract under subsection (a).~~

3 ~~(2) An intentional tort.~~

4 ~~(3) Gross negligence.~~

5 ~~§ 3220. Plugging requirements.~~

6 ~~(a) General rule. Upon abandoning a well, the owner or~~  
7 ~~operator shall plug it in the manner prescribed by regulation of~~  
8 ~~the department to stop vertical flow of fluids or gas within the~~  
9 ~~well bore, unless the department has granted inactive status for~~  
10 ~~the well or it has been approved by the department as an orphan~~  
11 ~~well. If the department determines that a prior owner or~~  
12 ~~operator received economic benefit, other than economic benefit~~  
13 ~~derived only as a landowner or from a royalty interest, after~~  
14 ~~April 18, 1979, from an orphan well or an unregistered well, the~~  
15 ~~owner or operator shall be responsible for plugging the well. In~~  
16 ~~the case of a gas well penetrating a workable coal seam which~~  
17 ~~was drilled prior to January 30, 1956, or which was permitted~~  
18 ~~after that date but not plugged in accordance with this chapter,~~  
19 ~~if the owner or operator or a coal operator or an agent proposes~~  
20 ~~to plug the well to allow mining through it, the gas well shall~~  
21 ~~be cleaned to a depth of at least 200 feet below the coal seam~~  
22 ~~through which mining is proposed and, unless impracticable, to a~~  
23 ~~point 200 feet below the deepest mineable coal seam. The gas~~  
24 ~~well shall be plugged from that depth in accordance with section~~  
25 ~~13 of the act of December 18, 1984 (P.L.1069, No.214), known as~~  
26 ~~the Coal and Gas Resource Coordination Act, and the regulations~~  
27 ~~of the department.~~

28 ~~(b) Areas underlain by coal. Prior to the plugging and~~  
29 ~~abandonment of a well in an area underlain by a workable coal~~  
30 ~~seam, the well operator or owner shall notify the department and~~

1 ~~the coal operator, lessee or owner and submit a plat, on a form~~  
2 ~~to be furnished by the department, showing the location of the~~  
3 ~~well and fixing the date and time plugging will commence, which~~  
4 ~~shall be not less than three working days, nor more than 30~~  
5 ~~days, after the notice is received, to permit representatives of~~  
6 ~~the persons notified to be present at the plugging. Notice and~~  
7 ~~the right to be present may be waived by the department and the~~  
8 ~~coal operator, lessee or owner, but waiver by the coal operator,~~  
9 ~~lessee or owner shall be in writing and a copy shall be attached~~  
10 ~~to the notice of abandonment filed with the department under~~  
11 ~~this section. Whether or not representatives attend, if the well~~  
12 ~~operator has fully complied with this section, the well operator~~  
13 ~~may proceed, at the time fixed, to plug the well in the manner~~  
14 ~~prescribed by regulation of the department. When plugging has~~  
15 ~~been completed, a certificate shall be prepared and signed, on a~~  
16 ~~form to be furnished by the department, by two experienced and~~  
17 ~~qualified people who participated in the work setting forth the~~  
18 ~~time and manner in which the well was plugged. One copy of the~~  
19 ~~certificate shall be mailed to each coal operator, lessee or~~  
20 ~~owner to whom notice was given by certified mail and another~~  
21 ~~shall be mailed to the department.~~

22 ~~(c) Abandoned wells. Prior to abandonment of a well, except~~  
23 ~~an uncompleted bore hole plugged immediately upon suspension of~~  
24 ~~drilling in an area not underlain by a workable coal seam, the~~  
25 ~~well operator shall notify the department of the intention to~~  
26 ~~plug and abandon the well and submit a plat, on a form to be~~  
27 ~~furnished by the department, showing the location of the well~~  
28 ~~and fixing the date and time at which plugging will commence,~~  
29 ~~which shall be not less than three working days, nor more than~~  
30 ~~30 days, after the notice is received, to permit a department~~

~~1 representative to be present at the plugging. The notice or  
2 waiting period may be verbally waived by the department. In  
3 noncoal areas where more than one well has been drilled as part  
4 of the same development project and the wells are now to be  
5 plugged, the department shall be given three working days'  
6 notice prior to plugging the first well of the project, subject  
7 to waiver of notice described in subsection (b). In the plugging  
8 of subsequent wells, no additional notice shall be required if  
9 plugging on the project is continuous. If plugging of subsequent  
10 wells is delayed for any reason, notice shall be given to the  
11 department of continuation of the project. Whether or not a  
12 representative attends, if the well operator has fully complied  
13 with this section, the well operator may proceed, at the time  
14 fixed, to plug the well in the manner prescribed by regulation  
15 of the department. When plugging has been completed, a  
16 certificate shall be prepared, on a form to be furnished by the  
17 department, by two experienced and qualified people who  
18 participated in the work setting forth the time and manner in  
19 which the well was plugged. A copy of the certificate shall be  
20 mailed to the department.~~

~~21 (d) Wells abandoned upon completion of drilling. If a well  
22 is to be abandoned immediately after completion of drilling, the  
23 well operator shall give at least 24 hours' notice by telephone,  
24 confirmed by certified mail, to the department and to the coal  
25 operator, lessee or owner, if any, fixing the date and time when  
26 plugging will commence. Notice and the right to be present may  
27 be waived by the department and the coal operator, lessee or  
28 owner, if any. Whether or not representatives of the department  
29 or coal operator, lessee or owner, if any, attend, if the well  
30 operator has fully complied with the requirements of this~~

1 ~~section, the well operator may proceed, at the time fixed, to~~  
2 ~~plug the well in the manner provided by regulation of the~~  
3 ~~department. The well operator shall prepare the certificate of~~  
4 ~~plugging and mail copies of the same as provided in subsection~~  
5 ~~(b).~~

6 ~~(c) Orphan wells. If a well is an orphan well or abandoned~~  
7 ~~without plugging, or if a well is in operation but not~~  
8 ~~registered under section 3213 (relating to well registration and~~  
9 ~~identification), the department may enter upon the well site and~~  
10 ~~plug the well and to sell equipment, casing and pipe at the site~~  
11 ~~which may have been used in production of the well in order to~~  
12 ~~recover the costs of plugging. The department shall make an~~  
13 ~~effort to determine ownership of a well which is in operation~~  
14 ~~but has not been registered and provide written notice to the~~  
15 ~~owner of pending action under this subsection. If the department~~  
16 ~~cannot determine ownership within 30 days, it may proceed under~~  
17 ~~this subsection. Costs of plugging shall have priority over all~~  
18 ~~liens on equipment, casing and pipe, and the sale shall be free~~  
19 ~~and clear of those liens to the extent that the cost of plugging~~  
20 ~~exceeds the sale price. If the amount obtained for casing and~~  
21 ~~pipe salvaged at the site is inadequate to pay for plugging, the~~  
22 ~~owner or operator of the abandoned or unregistered well shall be~~  
23 ~~liable for the additional costs.~~

24 ~~(f) Definition. For purposes of this section, the term~~  
25 ~~"owner" does not include the owner or possessor of surface real~~  
26 ~~property, on which an abandoned well is located, who did not~~  
27 ~~participate or incur costs in and had no right of control over~~  
28 ~~the drilling or extraction operation of the abandoned well.~~

29 ~~§ 3221. Alternative methods.~~

30 ~~A well operator may request permission to use a method or~~



1 ~~material other than those required by this chapter for casing,~~  
2 ~~plugging or equipping a well in an application to the department~~  
3 ~~which describes the proposed alternative in reasonable detail~~  
4 ~~and indicates the manner in which it will accomplish the goals~~  
5 ~~of this chapter. Notice of filing of the application shall be~~  
6 ~~given by the well operator by certified mail to any affected~~  
7 ~~coal operators, who may, within 15 days after the notice, file~~  
8 ~~objections to the proposed alternative method or material. If no~~  
9 ~~timely objections are filed or raised by the department, the~~  
10 ~~department shall determine whether to allow use of the proposed~~  
11 ~~alternative method or material.~~

12 ~~§ 3222. Well reporting requirements.~~

13 ~~(a) General rule. Except as provided in subsection (a.1),~~  
14 ~~each well operator shall file with the department, on a form~~  
15 ~~provided by the department, an annual report specifying the~~  
16 ~~amount of production, on the most well specific basis available,~~  
17 ~~along with the status of each well, except that in subsequent~~  
18 ~~years only changes in status must be reported. The Commonwealth~~  
19 ~~may utilize reported information in enforcement proceedings, in~~  
20 ~~making designations or determinations under section 1927 A of~~  
21 ~~the act of April 9, 1929 (P.L.177, No.175), known as The~~  
22 ~~Administrative Code of 1929, or in aggregate form for~~  
23 ~~statistical purposes.~~

24 ~~(a.1) Marcellus Shale formation wells. Each operator of an~~  
25 ~~unconventional well shall file with the department, on a form~~  
26 ~~provided by the department, a semiannual report specifying the~~  
27 ~~amount of production on the most well specific basis available.~~  
28 ~~The initial report under this subsection shall be filed on or~~  
29 ~~before August 15, 2010, and shall include production data from~~  
30 ~~the preceding calendar year and specify the status of each well.~~

~~1 In subsequent reports, only changes in status must be reported.  
2 Subsequent semiannual reports shall be filed with the department  
3 on or before February 15 and August 15 of each year and shall  
4 include production data from the preceding reporting period. The  
5 Commonwealth may utilize reported information in enforcement  
6 proceedings, in making designations or determinations under  
7 section 1927 A of The Administrative Code of 1929 or in  
8 aggregate form for statistical purposes. Beginning November 1,  
9 2010, the department shall make the reports available on its  
10 publicly accessible Internet website. Costs incurred by the  
11 department to comply with the requirements of this subsection  
12 shall be paid out of the fees collected under section 3211(d)  
13 (relating to well permits).~~

~~14 (b) Collection of data.~~

~~15 (1) Well operators shall maintain a record of each well  
16 drilled or altered.~~

~~17 (2) A record containing the information required by the  
18 department shall be filed within 30 days of cessation of  
19 drilling of each well.~~

~~20 (3) A completion report containing any additional  
21 required information shall be filed within 30 days after  
22 completing the well and shall be kept on file by the  
23 department.~~

~~24 (4) (i) The completion report shall include a  
25 stimulation record. At a minimum, the stimulation record  
26 shall contain pump rates, pressures, total volume used to  
27 stimulate the well, a list of hazardous and other  
28 chemicals used to stimulate the well, volume of water  
29 used, identification of water sources used under a  
30 department approved water management plan and depth at~~

1 ~~which potable aquifers are encountered during drilling.~~  
2 ~~The well operator may designate specific portions of the~~  
3 ~~stimulation record as containing a trade secret or~~  
4 ~~confidential proprietary information. The department~~  
5 ~~shall prevent disclosure of designated confidential~~  
6 ~~information to the extent permitted under the act of~~  
7 ~~February 14, 2008 (P.L.6, No.3), known as the Right to~~  
8 ~~Know Law.~~

9 ~~(ii) The completion report shall identify:~~

10 ~~(A) whether methane was encountered in other~~  
11 ~~than a target formation; and~~

12 ~~(B) the country of origin and manufacture of the~~  
13 ~~steel products used in the construction of the well.~~

14 ~~(iii) The completion report shall be kept on file by~~  
15 ~~the department and posted on the department's publicly~~  
16 ~~accessible Internet website.~~

17 ~~(5) Upon request of the department, the well operator~~  
18 ~~shall, within 90 days of completion or recompletion of~~  
19 ~~drilling, submit a copy of any electrical, radioactive or~~  
20 ~~other standard industry logs which have been run. No~~  
21 ~~information under this paragraph shall be required unless the~~  
22 ~~well operator has compiled the information in the ordinary~~  
23 ~~course of business.~~

24 ~~(6) Upon request by the department within one year, the~~  
25 ~~well operator shall file a copy of drill stem test charts,~~  
26 ~~formation water analysis, porosity, permeability or fluid~~  
27 ~~saturation measurements, core analysis and lithologic log or~~  
28 ~~sample description or other similar data as compiled. No~~  
29 ~~information under this paragraph shall be required unless the~~  
30 ~~well operator had it compiled in the ordinary course of~~

1 ~~business, and interpretation of data under this paragraph is~~  
2 ~~not required to be filed.~~

3 ~~(c) Drill cuttings and core samples. Upon notification by~~  
4 ~~the department prior to commencement of drilling, the well~~  
5 ~~operator shall collect any additional data specified by the~~  
6 ~~department, including representative drill cuttings and samples~~  
7 ~~from cores taken and any other geological information that the~~  
8 ~~operator reasonably can compile. Interpretation of the data is~~  
9 ~~not required to be filed.~~

10 ~~(d) Retention and filing of data. Data required under~~  
11 ~~subsection (b) and drill cuttings required under subsection (c)~~  
12 ~~shall be retained by the well operator and filed with the~~  
13 ~~department no more than three years after completion of the~~  
14 ~~well. Upon request, the department shall extend the deadline up~~  
15 ~~to five years from the date of completion of the well. The~~  
16 ~~department shall be entitled to utilize information collected~~  
17 ~~under this subsection in enforcement proceedings, in making~~  
18 ~~designations or determinations under section 1927 A of The~~  
19 ~~Administrative Code of 1929 and in aggregate form for~~  
20 ~~statistical purposes.~~

21 ~~§ 3223. Notification and effect of well transfer.~~

22 ~~The owner or operator of a well shall notify the department~~  
23 ~~in writing within 30 days, in a form directed by regulation, of~~  
24 ~~sale, assignment, transfer, conveyance or exchange by or to the~~  
25 ~~owner of the well. A transfer shall not relieve the well owner~~  
26 ~~or operator of an obligation accrued under this chapter, nor~~  
27 ~~shall it relieve the owner or operator of an obligation to plug~~  
28 ~~the well until the requirements of section 3225 (relating to~~  
29 ~~bonding) have been met, at which time the transferring owner or~~  
30 ~~operator shall be relieved from all obligations under this~~

1 ~~chapter, including the obligation to plug the well.~~

2 ~~§ 3224. Coal operator responsibilities.~~

3 ~~(a) General rule. At any time prior to removing coal or~~  
4 ~~other underground materials from, or extending the workings in,~~  
5 ~~a coal mine within 500 feet of an oil or gas well of which the~~  
6 ~~coal operator has knowledge, or within 500 feet of an approved~~  
7 ~~well location of which the coal operator has knowledge, the coal~~  
8 ~~operator, by certified mail, shall forward to or file with the~~  
9 ~~well operator and the department a copy of the relevant part of~~  
10 ~~all maps and plans which it is presently required by law to~~  
11 ~~prepare and file with the department, showing the pillar which~~  
12 ~~the coal operator proposes to leave in place around each oil or~~  
13 ~~gas well in the projected workings. Thereafter, the coal~~  
14 ~~operator may proceed with mining operations in the manner~~  
15 ~~projected on the maps and plans, but the operator may not remove~~  
16 ~~coal or cut a passageway within 150 feet of the well or approved~~  
17 ~~well location without written approval under this section. If,~~  
18 ~~in the opinion of the well operator or the department, the plan~~  
19 ~~indicates that the proposed pillar is inadequate to protect~~  
20 ~~either the integrity of the well or public health and safety,~~  
21 ~~the affected well operator shall attempt to reach an agreement~~  
22 ~~with the coal operator on a suitable pillar, subject to approval~~  
23 ~~of the department. Upon failure to agree, the well operator may,~~  
24 ~~within ten days after receipt of the proposed plan under this~~  
25 ~~section, file objections under section 3251 (relating to~~  
26 ~~conferences), indicating the size of the pillar to be left as to~~  
27 ~~each well. If objections are not timely filed and the department~~  
28 ~~has none, the department shall grant approval, reciting that~~  
29 ~~maps and plans have been filed, no objections have been made~~  
30 ~~thereto and the pillar proposed to be left for each well is~~

1 ~~approved in the manner as projected.~~

2 ~~(b) Objections. If an objection is filed by the well~~  
3 ~~operator or raised by the department, the department shall order~~  
4 ~~that a conference be held under section 3251 within ten days of~~  
5 ~~the filing of objections. At the conference, the coal operator~~  
6 ~~and the person who has objected shall attempt to agree on a~~  
7 ~~proposed plan, showing the pillar to be left around each well,~~  
8 ~~which will satisfy the objections and receive department~~  
9 ~~approval. If an agreement is reached, the department shall grant~~  
10 ~~approval to the coal operator, reciting that a plan has been~~  
11 ~~filed and the pillar to be left for each well is approved~~  
12 ~~pursuant to the agreement. If an agreement is not reached on a~~  
13 ~~plan showing the pillar to be left with respect to a well, the~~  
14 ~~department, by appropriate order, shall determine the pillar to~~  
15 ~~be left with respect to the well. In a proceeding under this~~  
16 ~~section, the department shall follow as nearly as is possible~~  
17 ~~the original plan filed by the coal operator. The department~~  
18 ~~shall not require the coal operator to leave a pillar in excess~~  
19 ~~of 100 feet in radius, except that the department may require a~~  
20 ~~pillar of up to 150 feet in radius if the existence of unusual~~  
21 ~~conditions is established. Pillars determined by the department~~  
22 ~~shall be shown on maps or plans on file with the department as~~  
23 ~~provided in subsection (a), and the department shall approve the~~  
24 ~~pillar to be left for each well.~~

25 ~~(c) Pillars of reduced size. Application may be made at any~~  
26 ~~time to the department by the coal operator to leave a pillar of~~  
27 ~~a size smaller than shown on the plan approved or determined by~~  
28 ~~the department under this section. If an application is filed,~~  
29 ~~the department shall:~~

30 ~~(1) follow the appropriate procedure under subsection~~

1 ~~(a) or (b);~~

2 ~~(2) by appropriate order, determine a plan involving a~~  
3 ~~pillar of a smaller size as to any well covered by the~~  
4 ~~application; and~~

5 ~~(3) grant approval for the pillar to be left with~~  
6 ~~respect to each well.~~

7 ~~(d) Violation. No coal operator, without written approval~~  
8 ~~of the department after notice and opportunity for a hearing~~  
9 ~~under this section, shall remove coal or cut a passageway so as~~  
10 ~~to leave a pillar of smaller size, with respect to an oil or gas~~  
11 ~~well, than that approved by the department under this chapter.~~

12 ~~(e) Limitation. With regard to a coal pillar required by~~  
13 ~~law to be left around a well drilled prior to April 18, 1985,~~  
14 ~~nothing in this chapter shall be construed to:~~

15 ~~(1) require a well operator to pay for the coal pillar;~~

16 ~~(2) affect a right which a coal operator may have had~~  
17 ~~prior to April 18, 1985, to obtain payment for the coal~~  
18 ~~pillar; or~~

19 ~~(3) affect a duty or right which a storage operator or~~  
20 ~~landowner may have had prior to April 18, 1985, to pay or not~~  
21 ~~pay for the coal pillar.~~

22 ~~(f) Mining through plugged wells. A coal operator who~~  
23 ~~intends to mine through a plugged oil or gas well or otherwise~~  
24 ~~completely remove any pillar from around that well shall file a~~  
25 ~~plan under subsection (a) which shall be subject to all of the~~  
26 ~~provisions of this section. No coal operator may mine through a~~  
27 ~~plugged oil or gas well of which he has knowledge until written~~  
28 ~~approval has been granted by the department in accordance with~~  
29 ~~this section. The Bureau of Deep Mine Safety in the department~~  
30 ~~shall have the authority to establish conditions under which the~~

1 ~~department may approve a coal operator's plan to mine through a~~  
2 ~~plugged oil or gas well.~~

3 ~~§ 3225. Bonding.~~

4 ~~(a) General rule. The following shall apply:~~

5 ~~(1) Except as provided in subsection (d), upon filing an~~  
6 ~~application for a well permit, and before continuing to~~  
7 ~~operate an oil or gas well, the owner or operator of the well~~  
8 ~~shall file with the department a bond covering the well and~~  
9 ~~well site on a form to be prescribed and furnished by the~~  
10 ~~department. A bond filed with an application for a well~~  
11 ~~permit shall be payable to the Commonwealth and conditioned~~  
12 ~~upon the operator's faithful performance of all drilling,~~  
13 ~~water supply replacement, restoration and plugging~~  
14 ~~requirements of this chapter. A bond for a well in existence~~  
15 ~~on April 18, 1985, shall be payable to the Commonwealth and~~  
16 ~~conditioned upon the operator's faithful performance of all~~  
17 ~~water supply replacement, restoration and plugging~~  
18 ~~requirements of this chapter. The amount of the bond required~~  
19 ~~shall be in the following amounts and may be adjusted by the~~  
20 ~~Environmental Quality Board every two years to reflect the~~  
21 ~~projected costs to the Commonwealth of plugging the well:~~

22 ~~(i) For wells with a total well bore length less~~  
23 ~~than 6,000 feet:~~

24 ~~(A) For operating up to 50 wells, \$4,000 per~~  
25 ~~well; but no bond may be required under this clause~~  
26 ~~in excess of \$35,000.~~

27 ~~(B) For operating 51 to 150 wells, \$35,000 plus~~  
28 ~~\$4,000 per well for each well in excess of 50 wells;~~  
29 ~~but no bond may be required under this clause in~~  
30 ~~excess of \$60,000.~~



1 ~~(C) For operating 151 to 250 wells, \$60,000 plus~~  
2 ~~\$4,000 per well for each well in excess of 150 wells;~~  
3 ~~but no bond may be required under this clause in~~  
4 ~~excess of \$100,000.~~

5 ~~(D) For operating more than 250 wells, \$100,000~~  
6 ~~plus \$4,000 per well for each well in excess of 250~~  
7 ~~wells; but no bond may be required under this clause~~  
8 ~~in excess of \$250,000.~~

9 ~~(ii) For wells with a total well bore length greater~~  
10 ~~than 6,000 feet:~~

11 ~~(A) For operating up to 25 wells, \$10,000 per~~  
12 ~~well; but no bond may be required under this clause~~  
13 ~~in excess of \$60,000.~~

14 ~~(B) For operating 26 to 50 wells, \$60,000 plus~~  
15 ~~\$10,000 per well for each well in excess of 25 wells;~~  
16 ~~but no bond may be required under this clause in~~  
17 ~~excess of \$120,000.~~

18 ~~(C) For operating 51 to 150 wells, \$120,000 plus~~  
19 ~~\$10,000 per well for each well in excess of 50 wells;~~  
20 ~~but no bond may be required under this clause in~~  
21 ~~excess of \$180,000.~~

22 ~~(D) For operating more than 150 wells, \$180,000~~  
23 ~~plus \$10,000 per well for each well in excess of 150~~  
24 ~~wells; but no bond may be required under this clause~~  
25 ~~in excess of \$250,000.~~

26 ~~(2) In lieu of individual bonds for each well, an owner~~  
27 ~~or operator may file a blanket bond for the applicable amount~~  
28 ~~under paragraph (1), on a form prepared by the department,~~  
29 ~~covering all of its wells in this Commonwealth, as enumerated~~  
30 ~~on the bond form.~~

1       ~~(3) Liability under the bond shall continue until the~~  
2 ~~well has been properly plugged in accordance with this~~  
3 ~~chapter and for a period of one year after filing of the~~  
4 ~~certificate of plugging with the department. Each bond shall~~  
5 ~~be executed by the operator and a corporate surety licensed~~  
6 ~~to do business in this Commonwealth and approved by the~~  
7 ~~secretary. In lieu of a corporate surety, the operator may~~  
8 ~~deposit with the department:~~

9           ~~(i) cash;~~

10           ~~(ii) certificates of deposit or automatically~~  
11 ~~renewable irrevocable letters of credit, from financial~~  
12 ~~institutions chartered or authorized to do business in~~  
13 ~~this Commonwealth and regulated and examined by the~~  
14 ~~Commonwealth or a Federal agency, which may be terminated~~  
15 ~~at the end of a term only upon 90 days' prior written~~  
16 ~~notice by the financial institution to the permittee and~~  
17 ~~the department;~~

18           ~~(iii) negotiable bonds of the United States~~  
19 ~~Government or the Commonwealth, the Pennsylvania Turnpike~~  
20 ~~Commission, the General State Authority, the State Public~~  
21 ~~School Building Authority or any municipality within the~~  
22 ~~Commonwealth; or~~

23           ~~(iv) United States Treasury Bonds issued at a~~  
24 ~~discount without a regular schedule of interest payments~~  
25 ~~to maturity, otherwise known as Zero Coupon Bonds, having~~  
26 ~~a maturity date of not more than ten years after the date~~  
27 ~~of purchase and at the maturity date having a value of~~  
28 ~~not less than the applicable amount under paragraph (1).~~  
29 ~~The cash deposit, certificate of deposit, amount of the~~  
30 ~~irrevocable letter of credit or market value of the~~

1 ~~securities shall be equal at least to the sum of the~~  
2 ~~bond.~~

3 ~~(4) The secretary shall, upon receipt of a deposit of~~  
4 ~~cash, letters of credit or negotiable bonds, immediately~~  
5 ~~place the same with the State Treasurer, whose duty it shall~~  
6 ~~be to receive and hold the same in the name of the~~  
7 ~~Commonwealth, in trust, for the purpose for which the deposit~~  
8 ~~is made.~~

9 ~~(5) The State Treasurer shall at all times be~~  
10 ~~responsible for custody and safekeeping of deposits. The~~  
11 ~~operator making the deposit shall be entitled from time to~~  
12 ~~time to demand and receive from the State Treasurer, on the~~  
13 ~~written order of the secretary, the whole or any portion of~~  
14 ~~collateral deposited, upon depositing with the State~~  
15 ~~Treasurer, in lieu of that collateral, other collateral of~~  
16 ~~classes specified in this section having a market value at~~  
17 ~~least equal to the sum of the bond, and also to demand,~~  
18 ~~receive and recover the interest and income from the~~  
19 ~~negotiable bonds as they become due and payable.~~

20 ~~(6) If negotiable bonds on deposit under this subsection~~  
21 ~~mature or are called, the State Treasurer, at the request of~~  
22 ~~the owner of the bonds, shall convert them into other~~  
23 ~~negotiable bonds, of classes specified in this section,~~  
24 ~~designated by the owner.~~

25 ~~(7) If notice of intent to terminate a letter of credit~~  
26 ~~is given, the department shall give the operator 30 days'~~  
27 ~~written notice to replace the letter of credit with other~~  
28 ~~acceptable bond guarantees as provided in this section. If~~  
29 ~~the owner or operator fails to timely replace the letter of~~  
30 ~~credit, the department shall draw upon and convert the letter~~

1 ~~of credit into cash and hold it as a collateral bond~~  
2 ~~guarantee.~~

3 ~~(b) Release. No bond shall be fully released until the~~  
4 ~~requirements of subsection (a) and section 3223 (relating to~~  
5 ~~notification and effect of well transfer) have been fully met.~~  
6 ~~Upon release of bonds and collateral under this section, the~~  
7 ~~State Treasurer shall immediately return to the owner the~~  
8 ~~specified amount of cash or securities.~~

9 ~~(c) Noncompliance. If a well owner or operator fails or~~  
10 ~~refuses to comply with subsection (a), regulations promulgated~~  
11 ~~under this chapter or conditions of a permit relating to this~~  
12 ~~chapter, the department may declare the bond forfeited and shall~~  
13 ~~certify the same to the Attorney General, who shall proceed to~~  
14 ~~enforce and collect the full amount of the bond and, if the well~~  
15 ~~owner or operator has deposited cash or securities as collateral~~  
16 ~~in lieu of a corporate surety, the department shall declare the~~  
17 ~~collateral forfeited and direct the State Treasurer to pay the~~  
18 ~~full amount of the funds into the Well Plugging Restricted~~  
19 ~~Revenue Account or to sell the security to the extent forfeited~~  
20 ~~and pay the proceeds into the Well Plugging Restricted Revenue~~  
21 ~~Account. If a corporate surety or financial institution fails to~~  
22 ~~pay a forfeited bond promptly and in full, the corporate surety~~  
23 ~~or financial institution shall be disqualified from writing~~  
24 ~~further bonds under this chapter or any other environmental law~~  
25 ~~administered by the department. A person aggrieved by reason of~~  
26 ~~forfeiting the bond or converting collateral, as provided in~~  
27 ~~this section, shall have a right to appeal to the Environmental~~  
28 ~~Hearing Board in the manner provided by law. Upon forfeiture of~~  
29 ~~a blanket bond for a violation occurring at one or more well~~  
30 ~~sites, the person whose bond is forfeited shall, within ten days~~

1 ~~of the forfeiture, submit a replacement bond to cover all other~~  
2 ~~wells of which the person is an owner or operator. Failure to~~  
3 ~~submit the replacement bond constitutes a violation of this~~  
4 ~~section as to each of the wells owned or operated by the person.~~

5 ~~(d) Alternatives to certain bonds. The following shall~~  
6 ~~apply:~~

7 ~~(1) An operator of not more than 200 wells who cannot~~  
8 ~~obtain a bond for a well drilled prior to April 18, 1985, as~~  
9 ~~required under subsection (a), due to inability to~~  
10 ~~demonstrate sufficient financial resources may, in lieu of~~  
11 ~~the bond:~~

12 ~~(i) Submit to the department a fee in the amount of~~  
13 ~~\$50 per well, a blanket fee of \$500 for ten to 20 wells~~  
14 ~~or a blanket fee of \$1,000 for more than 20 wells, which~~  
15 ~~shall be a nonrefundable fee paid each year that the~~  
16 ~~operator has not filed a bond with the department. All~~  
17 ~~fees collected in lieu of a bond under this subsection~~  
18 ~~shall be used for the purposes authorized by this~~  
19 ~~chapter. The Environmental Quality Board shall have the~~  
20 ~~power, by regulation, to increase the amount of the fees~~  
21 ~~established under this subsection.~~

22 ~~(ii) Make phased deposits of collateral to fully~~  
23 ~~collateralize the bond, subject to the following:~~

24 ~~(A) Payment shall be based on the number of~~  
25 ~~wells owned or operated. The operator shall make an~~  
26 ~~initial deposit and make annual deposits in~~  
27 ~~accordance with the schedule in clause (B). Interest~~  
28 ~~accumulated by the collateral shall become a part of~~  
29 ~~the bond until the collateral plus accumulated~~  
30 ~~interest equals the amount of the required bond. The~~

1 ~~collateral shall be deposited, in trust, with the~~  
2 ~~State Treasurer as provided in this subsection or~~  
3 ~~with a bank selected by the department which shall~~  
4 ~~act as trustee for the benefit of the Commonwealth to~~  
5 ~~guarantee the operator's compliance with the~~  
6 ~~drilling, water supply replacement, restoration and~~  
7 ~~plugging requirements of this chapter. The operator~~  
8 ~~shall be required to pay all costs of the trust.~~

9 ~~(B) An operator of up to ten existing wells who~~  
10 ~~does not intend to operate additional wells shall~~  
11 ~~deposit \$250 per well and shall, thereafter, annually~~  
12 ~~deposit \$50 per well until the obligations of this~~  
13 ~~section are fully met. An operator of 11 to 25 wells~~  
14 ~~or an operator of up to ten wells who applies for one~~  
15 ~~or more permits for additional wells shall deposit~~  
16 ~~\$2,000 and shall, thereafter, annually deposit \$1,150~~  
17 ~~plus \$150 for each additional well to be permitted~~  
18 ~~that year until the obligations of this section are~~  
19 ~~fully met. An operator of 26 to 50 wells shall~~  
20 ~~deposit \$3,000 and shall, thereafter, annually~~  
21 ~~deposit \$1,300 plus \$400 for each additional well to~~  
22 ~~be permitted that year until the obligations of this~~  
23 ~~section are fully met. An operator of 51 to 100 wells~~  
24 ~~shall deposit \$4,000 and shall, thereafter, annually~~  
25 ~~deposit \$1,500 plus \$400 for each additional well to~~  
26 ~~be permitted that year until the obligations of this~~  
27 ~~section are fully met. Operators of 101 to 200 wells~~  
28 ~~shall deposit \$8,000 and shall, thereafter, annually~~  
29 ~~deposit \$1,600 plus \$1,000 for each additional well~~  
30 ~~to be permitted that year until the obligations of~~

~~this section are fully met. Operators of more than  
200 wells shall fully bond their wells immediately.~~

~~(C) The department shall reduce the amount of  
phased collateral payments or the period of time over  
which phased collateral payments shall be made on  
behalf of owners or operators who, prior to August 1,  
1992, have paid a fee in lieu of bond under  
subparagraph (i), and who, by August 1, 1993, choose  
to enter the phased collateral program under this  
subparagraph rather than continue to make payments in  
lieu of bond. Payments made prior to August 1, 1992,  
in lieu of bond shall not be credited in any other  
manner, and the department shall not be required to  
refund the fees. The Environmental Quality Board, by  
regulation, may change the annual deposits  
established under clause (B) if necessary to  
accommodate a change in the amount of the bond  
required under this section.~~

~~(2) An operator may continue to pay a fee in lieu of  
bond or make phased deposits of collateral to fully  
collateralize the bond so long as the operator does not miss  
a payment under this subsection and remains in compliance  
with this chapter. If an operator misses a payment under this  
subsection, the operator shall immediately:~~

~~(i) submit the appropriate bond amount in full; or~~

~~(ii) cease all operations and plug all wells.~~

~~(d.1) Individuals. The following shall apply:~~

~~(1) An individual who is unable to obtain a bond to  
drill new wells due to inability to demonstrate financial  
resources may meet the collateral bond requirements of~~

~~subsection (a) by making phased deposits of collateral to fully collateralize the bond. The individual shall be limited to drilling ten new wells per calendar year and, for each well to be drilled, deposit \$500 and make an annual deposit of 10% of the remaining bond amount for a period of ten years. Interest accumulated shall become a part of the bond until the collateral plus accumulated interest equals the amount of the required bond. The collateral shall be deposited in trust with the State Treasurer under subsection (a) or with a bank selected by the department which shall act as trustee for the benefit of the Commonwealth to guarantee the individual's compliance with the drilling, water supply replacement, restoration and plugging requirements of this chapter. The individual shall pay all costs of the trust.~~

~~(2) Individuals may continue to use phased collateral to obtain permits if they have not missed a payment for a well drilled under this provision and remain in compliance with this chapter. If an individual misses a payment, the individual shall:~~

~~(i) immediately submit the appropriate bond amount in full; or~~

~~(ii) cease all operations and plug all wells.~~

~~(3) For purposes of this subsection, an "individual" means a natural person doing business under his own name.~~

~~(e) Reservation of remedies. All remedies violating this chapter, regulations adopted under this chapter and conditions of permits are expressly preserved. Nothing in this section shall be construed as an exclusive penalty or remedy for violations of law. No action taken under this section shall waive or impair any other remedy or penalty provided in law.~~



1 ~~(f) Change of law. Owners or operators who have failed to~~  
2 ~~meet the requirements of this section prior to August 1, 1992,~~  
3 ~~shall not be required to make payments under this section on a~~  
4 ~~retroactive basis as a condition of obtaining a permit under~~  
5 ~~this chapter, nor shall the failure be deemed a violation of~~  
6 ~~this chapter.~~

7 ~~§ 3226. Oil and Gas Technical Advisory Board.~~

8 ~~(a) Creation of board. The Oil and Gas Technical Advisory~~  
9 ~~Board is created, consisting of the following members, all of~~  
10 ~~whom shall be chosen by the Governor and shall be residents of~~  
11 ~~this Commonwealth:~~

12 ~~(1) Three individuals, each of whom shall be:~~

13 ~~(i) a petroleum engineer;~~

14 ~~(ii) a petroleum geologist; or~~

15 ~~(iii) an experienced driller representative of the~~  
16 ~~oil and gas industry with three years of experience in~~  
17 ~~this Commonwealth.~~

18 ~~(2) One mining engineer from the coal industry with~~  
19 ~~three years of experience in this Commonwealth.~~

20 ~~(3) One geologist or petroleum engineer with three years~~  
21 ~~of experience in this Commonwealth, who shall be chosen from~~  
22 ~~a list of three names submitted by the Citizens Advisory~~  
23 ~~Council to the Governor and who shall sit as a representative~~  
24 ~~of the public interest.~~

25 ~~(b) Reimbursement. Board members shall not receive a salary~~  
26 ~~but shall be reimbursed for all necessary expenses incurred in~~  
27 ~~the performance of their duties.~~

28 ~~(c) Majority vote. All actions of the board shall be by~~  
29 ~~majority vote. The board shall meet as called by the secretary,~~  
30 ~~but not less than semiannually, to carry out its duties under~~

1 ~~this chapter. The board shall select a chairman and other~~  
2 ~~officers deemed appropriate.~~

3 ~~(d) Consultation. The department shall consult with the~~  
4 ~~board in the formulation, drafting and presentation stages of~~  
5 ~~all regulations of a technical nature promulgated under this~~  
6 ~~chapter. The board shall be given a reasonable opportunity to~~  
7 ~~review and comment on all regulations of a technical nature~~  
8 ~~prior to submission to the Environmental Quality Board for~~  
9 ~~initial consideration. The written report of the board shall be~~  
10 ~~presented to the Environmental Quality Board with any regulatory~~  
11 ~~proposal. The chairman of the board shall be invited to~~  
12 ~~participate in the presentation of all regulations of a~~  
13 ~~technical nature before the Environmental Quality Board to the~~  
14 ~~extent allowed by procedures of the Environmental Quality Board.~~  
15 ~~Nothing herein shall preclude any member of the board from~~  
16 ~~filing a petition for rulemaking with the Environmental Quality~~  
17 ~~Board in accordance with procedures established by the~~  
18 ~~Environmental Quality Board.~~

19 ~~SUBCHAPTER C~~

20 ~~UNDERGROUND GAS STORAGE~~

21 ~~Sec.~~

22 ~~3231. Reporting requirements for gas storage operations.~~

23 ~~3232. Reporting requirements for coal mining operations.~~

24 ~~3233. General gas storage reservoir operations.~~

25 ~~3234. Gas storage reservoir operations in coal areas.~~

26 ~~3235. Inspection of facilities and records.~~

27 ~~3236. Reliance on maps and burden of proof.~~

28 ~~3237. Exemptions and prohibitions.~~

29 ~~§ 3231. Reporting requirements for gas storage operations.~~

30 ~~(a) General rules. The following shall apply:~~

1       ~~(1) A person injecting into or storing gas in a storage~~  
2 ~~reservoir underlying or within 3,000 linear feet of a coal~~  
3 ~~mine operating in a coal seam that extends over the storage~~  
4 ~~reservoir or reservoir protective area shall, within 60 days,~~  
5 ~~file with the department a copy of a map and certain data in~~  
6 ~~the form and manner provided in this subsection or as~~  
7 ~~otherwise prescribed by regulation of the department.~~

8       ~~(2) A person injecting gas into or storing gas in a~~  
9 ~~storage reservoir which is not under or within 3,000 linear~~  
10 ~~feet of, but less than 10,000 linear feet from, a coal mine~~  
11 ~~operating in a coal seam that extends over the storage~~  
12 ~~reservoir or reservoir protective area shall file the map and~~  
13 ~~data within 60 days or a longer period set by departmental~~  
14 ~~regulation.~~

15       ~~(3) A person proposing to inject or store gas in a~~  
16 ~~storage reservoir located as defined in paragraph (1) or (2)~~  
17 ~~shall file the appropriate required map and data with the~~  
18 ~~department not less than six months prior to starting the~~  
19 ~~actual injection or storage.~~

20       ~~(4) A map required by this subsection shall be prepared~~  
21 ~~by a competent engineer or geologist, showing:~~

22       ~~(i) the stratum in which the existing or proposed~~  
23 ~~storage reservoir is or is proposed to be located;~~

24       ~~(ii) the geographic location of the outside~~  
25 ~~boundaries of the storage reservoir and reservoir~~  
26 ~~protective area;~~

27       ~~(iii) the location of all known oil or gas wells in~~  
28 ~~the reservoir or within 3,000 linear feet thereof which~~  
29 ~~have been drilled into or through the storage stratum,~~  
30 ~~indicating which have been or are to be cleaned out and~~

1 ~~plugged or reconditioned for storage along with the~~  
2 ~~proposed location of all additional wells which are to be~~  
3 ~~drilled within the storage reservoir or within 3,000~~  
4 ~~linear feet thereof.~~

5 ~~(5) The following, if available, shall be furnished for~~  
6 ~~all known oil or gas wells which have been drilled into or~~  
7 ~~through the storage stratum within the storage reservoir or~~  
8 ~~within 3,000 linear feet thereof: name of the operator, date~~  
9 ~~drilled, total depth, depth of production if the well was~~  
10 ~~productive of oil or gas, the initial rock pressure and~~  
11 ~~volume, the depths at which all coal seams were encountered~~  
12 ~~and a copy of the driller's log or other similar information.~~  
13 ~~At the time of the filing of the maps and data, a statement~~  
14 ~~shall be filed:~~

15 ~~(i) detailing efforts made to determine that the~~  
16 ~~wells shown are accurately located on the map;~~

17 ~~(ii) affirming that the wells shown represent, to~~  
18 ~~the best of the operator's knowledge, all oil or gas~~  
19 ~~wells which have ever been drilled into or below the~~  
20 ~~storage stratum within the proposed storage reservoir or~~  
21 ~~within the reservoir protective area;~~

22 ~~(iii) stating whether the initial injection is for~~  
23 ~~testing purposes;~~

24 ~~(iv) stating the maximum pressure at which injection~~  
25 ~~and storage of gas is contemplated; and~~

26 ~~(v) providing a detailed explanation of the methods~~  
27 ~~to be used or which previously have been used in~~  
28 ~~drilling, cleaning out, reconditioning and plugging wells~~  
29 ~~in the storage reservoir or within the reservoir~~  
30 ~~protective area.~~

1       ~~(6) The map and data required to be filed under~~  
2       ~~paragraph (5) shall be amended or supplemented semiannually~~  
3       ~~if material changes occur. The department may require a~~  
4       ~~storage operator to amend or supplement the map or data at~~  
5       ~~more frequent intervals if material changes have occurred~~  
6       ~~justifying the earlier filing.~~

7       ~~(b) Other reporting requirements. A person who is injecting~~  
8       ~~gas into or storing gas in a storage reservoir not at the time~~  
9       ~~subject to subsection (a), by a process other than that of~~  
10       ~~secondary recovery or gas recycling, shall, within 60 days, or a~~  
11       ~~longer period set by departmental regulations, file maps and~~  
12       ~~data required by departmental regulation and as follows:~~

13       ~~(1) A person who, after April 18, 1985, proposes to~~  
14       ~~inject or store gas in a storage reservoir in an area not~~  
15       ~~covered by subsection (a) by a process other than that of~~  
16       ~~secondary recovery or gas recycling shall file the required~~  
17       ~~map and data with the department not less than six months~~  
18       ~~prior to the starting of actual injection or storage.~~

19       ~~(2) The map shall be prepared by a competent engineer or~~  
20       ~~competent geologist and show:~~

21               ~~(i) the stratum in which the existing or proposed~~  
22               ~~storage reservoir is or is to be located;~~

23               ~~(ii) the geographic location of the outside~~  
24               ~~boundaries of the storage reservoir; and~~

25               ~~(iii) the location of all known oil or gas wells~~  
26               ~~within the reservoir, or within 3,000 linear feet~~  
27               ~~thereof, which have been drilled into or through the~~  
28               ~~storage stratum, indicating which have been or are to be~~  
29               ~~cleaned out and plugged or reconditioned for storage and~~  
30               ~~the proposed location of all additional wells which are~~

1 ~~to be drilled within the storage reservoir or within~~  
2 ~~3,000 linear feet thereof.~~

3 ~~(3) The following, if available, shall be furnished for~~  
4 ~~all known oil or gas wells which have been drilled into or~~  
5 ~~through the storage stratum within the storage reservoir or~~  
6 ~~within 3,000 linear feet thereof: name of the operator, date~~  
7 ~~drilled, total depth, depth of production if the well was~~  
8 ~~productive of oil or gas, the initial rock pressure and~~  
9 ~~volume and a copy of the driller's log or other similar~~  
10 ~~information. At the time of the filing of the maps and data,~~  
11 ~~a statement shall be filed:~~

12 ~~(i) detailing efforts made to determine that the~~  
13 ~~wells shown are accurately located on the map;~~

14 ~~(ii) affirming that the wells shown represent, to~~  
15 ~~the best of the operator's knowledge, all oil or gas~~  
16 ~~wells which have ever been drilled into or below the~~  
17 ~~storage stratum within the proposed storage reservoir;~~

18 ~~(iii) stating whether the initial injection is for~~  
19 ~~testing purposes;~~

20 ~~(iv) stating the maximum pressure at which injection~~  
21 ~~and storage of gas is contemplated; and~~

22 ~~(v) providing a detailed explanation of the methods~~  
23 ~~to be used or which previously have been used in~~  
24 ~~drilling, cleaning out, reconditioning and plugging wells~~  
25 ~~in the storage reservoir.~~

26 ~~(4) The map and data required to be filed under~~  
27 ~~paragraph (3) shall be amended or supplemented semiannually~~  
28 ~~if material changes occur. The department may require a~~  
29 ~~storage operator to amend or supplement the map or data at~~  
30 ~~more frequent intervals if material changes have occurred~~

1 ~~justifying the earlier filing.~~

2 ~~(c) Political subdivisions. Storage operators shall give~~  
3 ~~notice to the department of the name of each political~~  
4 ~~subdivision and county in which the operator maintains and~~  
5 ~~operates a gas storage reservoir.~~

6 ~~(d) Notice to affected persons. At the time of the filing~~  
7 ~~of maps and data and the filing of amended or supplemental maps~~  
8 ~~or data required by this section, the person filing the~~  
9 ~~information shall give written notice of the filing to all~~  
10 ~~persons who may be affected under the provisions of this chapter~~  
11 ~~by the storage reservoir described in the maps or data. Notices~~  
12 ~~shall contain a description of the boundaries of the storage~~  
13 ~~reservoir. When a person operating a coal mine or owning an~~  
14 ~~interest in coal properties which are or may be affected by the~~  
15 ~~storage reservoir requests, in writing, a copy of any map or~~  
16 ~~data filed with the department, the copy shall be furnished by~~  
17 ~~the storage operator.~~

18 ~~(e) Outside boundaries. For purposes of this chapter, the~~  
19 ~~outside boundaries of a storage reservoir shall be defined by~~  
20 ~~the location of those wells around the periphery of the storage~~  
21 ~~reservoir which had no gas production when drilled in the~~  
22 ~~storage stratum. The boundaries shall be originally fixed or~~  
23 ~~subsequently changed if, based on the number and nature of the~~  
24 ~~wells and the geological and production knowledge of the storage~~  
25 ~~stratum, its character, permeability, distribution and operating~~  
26 ~~experience, it is determined in a conference under section 3251~~  
27 ~~(relating to conferences) that modifications should be made.~~

28 ~~(f) Inapplicability of section. The requirements of this~~  
29 ~~section shall not apply to the operator of an underground gas~~  
30 ~~storage reservoir so long as the reservoir is located more than~~

~~1 10,000 linear feet from an operating coal mine, except that the  
2 storage operator shall give notice to the department of the name  
3 of each political subdivision and county in which the operator  
4 maintains and operates a gas storage reservoir. In political  
5 subdivisions and counties where both gas storage reservoirs and  
6 coal mines are being operated, the department may request the  
7 storage operator to furnish maps showing geographical locations  
8 and outside boundaries of the storage reservoirs. The department  
9 shall keep a record of the information and promptly notify the  
10 coal operator and the storage operator when notified by them  
11 that the coal mine and storage reservoir are within 10,000  
12 linear feet of each other.~~

~~13 § 3232. Reporting requirements for coal mining operations.~~

~~14 (a) General rule. A person owning or operating a coal mine  
15 shall file with the department a map prepared and sealed by a  
16 competent individual licensed as a professional engineer or  
17 professional land surveyor under the provisions of the act of  
18 May 23, 1945 (P.L. 913, No. 367), known as the Engineer, Land  
19 Surveyor and Geologist Registration Law, showing the outside  
20 coal boundaries of the operating coal mine, the existing  
21 workings and exhausted areas and the relationship of the  
22 boundaries to identifiable surface properties and landmarks. A  
23 person owning or operating an operating coal mine which has been  
24 penetrated by a well shall furnish a mine map to the department  
25 each year indicating the excavations for the preceding year and  
26 the projections for the ensuing year. The map required by this  
27 subsection shall be furnished to a person storing or  
28 contemplating the storage of gas in the vicinity of operating  
29 coal mines, upon written request, by the coal operator, and the  
30 person and the department shall thereafter be informed of any~~



1 ~~boundary changes at the time the changes occur. The department~~  
2 ~~shall keep a record of the information and promptly notify the~~  
3 ~~coal operator and storage operator when notified by them that~~  
4 ~~the coal mine and the storage reservoir are within 10,000 linear~~  
5 ~~feet of each other.~~

6 ~~(b) Mines near certain reservoirs. A person owning or~~  
7 ~~operating any coal mine which is or which comes within 10,000~~  
8 ~~linear feet of a storage reservoir and where the coal seam being~~  
9 ~~operated extends over the storage reservoir or reservoir~~  
10 ~~protective area shall, within 45 days after receiving notice~~  
11 ~~from the storage operator of that fact, file with the department~~  
12 ~~and furnish to the person operating the storage reservoir a map~~  
13 ~~in the form required by subsection (a) showing, in addition to~~  
14 ~~the requirements of subsection (a), existing and projected~~  
15 ~~excavations and workings of the operating coal mine for the~~  
16 ~~ensuing 18 month period and the location of oil or gas wells of~~  
17 ~~which the coal operator has knowledge. The person owning or~~  
18 ~~operating the coal mine shall, each six months thereafter, file~~  
19 ~~with the department and furnish to the person operating the~~  
20 ~~storage reservoir a revised map showing any additional~~  
21 ~~excavations and workings, together with the projected~~  
22 ~~excavations and workings for the then ensuing 18 month period,~~  
23 ~~which may be within 10,000 linear feet of the storage reservoir.~~  
24 ~~The department may require a coal operator to file revised maps~~  
25 ~~at more frequent intervals if material changes have occurred~~  
26 ~~justifying earlier filing. The person owning or operating the~~  
27 ~~coal mine shall also file with the department and furnish the~~  
28 ~~person operating the reservoir prompt notice of any wells which~~  
29 ~~have been cut into, together with all available pertinent~~  
30 ~~information.~~

1 ~~(c) Mines near gas storage reservoirs. A person owning or~~  
2 ~~operating a coal mine who has knowledge that it overlies or is~~  
3 ~~within 2,000 linear feet of a gas storage reservoir shall,~~  
4 ~~within 30 days, notify the department and the storage operator~~  
5 ~~of that fact.~~

6 ~~(d) Mines projected to be near storage reservoirs. When a~~  
7 ~~person owning or operating a coal mine expects that, within the~~  
8 ~~ensuing nine month period, the coal mine will be extended to a~~  
9 ~~point which will be within 2,000 linear feet of any storage~~  
10 ~~reservoir, the person shall notify the department and storage~~  
11 ~~operator in writing of that fact.~~

12 ~~(e) New mines. A person intending to establish or~~  
13 ~~reestablish an operating coal mine which will be over a storage~~  
14 ~~reservoir or within 2,000 linear feet of a storage reservoir or~~  
15 ~~may, within nine months thereafter, be expected to be within~~  
16 ~~2,000 linear feet of a storage reservoir shall immediately~~  
17 ~~notify the department and storage operator in writing. Notice~~  
18 ~~shall include the date on which the person intends to establish~~  
19 ~~or reestablish the operating coal mine.~~

20 ~~(f) Misdemeanor. A person who serves notice as required by~~  
21 ~~this subsection of an intention to establish or reestablish an~~  
22 ~~operating coal mine, without intending in good faith to~~  
23 ~~establish or reestablish the mine, is liable for continuing~~  
24 ~~damages to a storage operator injured by the improper notice and~~  
25 ~~commits a misdemeanor subject to the penalties of section 3255-~~  
26 ~~(relating to penalties).~~

27 ~~§ 3233. General gas storage reservoir operations.~~

28 ~~(a) General rule. A person who operates or proposes to~~  
29 ~~operate a storage reservoir, except one filled by the secondary~~  
30 ~~recovery or gas recycling process, shall:~~

1       ~~(1) Use every known method which is reasonable under the~~  
2       ~~circumstances for discovering and locating all wells which~~  
3       ~~have or may have been drilled into or through the storage~~  
4       ~~reservoir.~~

5       ~~(2) Plug or recondition, as provided in departmental~~  
6       ~~regulations, all known wells drilled into or through the~~  
7       ~~storage reservoir, except to the extent otherwise provided in~~  
8       ~~subsections (b) and (c).~~

9       ~~(b) Wells to be plugged. To comply with subsection (a),~~  
10       ~~wells which are to be plugged shall be plugged in the manner~~  
11       ~~specified in section 3220 (relating to plugging requirements).~~

12       ~~(b.1) Wells plugged prior to enactment of section. If a~~  
13       ~~well located in the storage reservoir area has been plugged~~  
14       ~~prior to April 18, 1985, and on the basis of data, information~~  
15       ~~and other evidence submitted to the department, it is determined~~  
16       ~~that the plugging was done in the manner required by section~~  
17       ~~3220 or approved as an alternative method under section 3221~~  
18       ~~(relating to alternative methods) and the plugging is still~~  
19       ~~sufficiently effective to meet the requirements of this chapter,~~  
20       ~~the obligations under subsection (a) with regard to plugging the~~  
21       ~~well shall be considered to have been fully satisfied.~~

22       ~~(c) Wells to be reconditioned. The following shall apply:~~

23       ~~(1) To comply with subsection (a), wells which are to be~~  
24       ~~reconditioned shall, unless the department by regulation~~  
25       ~~specifies a different procedure, be cleaned out from the~~  
26       ~~surface through the storage horizon, and the producing casing~~  
27       ~~and casing strings determined not to be in good physical~~  
28       ~~condition shall be replaced with new casing, using the same~~  
29       ~~procedure as is applicable to drilling a new well under this~~  
30       ~~chapter. In the case of wells to be used for gas storage, the~~

1 ~~annular space between each string of casing and the annular~~  
2 ~~space behind the largest diameter casing to the extent~~  
3 ~~possible shall be filled to the surface with cement or~~  
4 ~~bentonitic mud or a nonporous material approved by the~~  
5 ~~department under section 3221. At least 15 days prior to~~  
6 ~~reconditioning, the storage operator shall give notice to the~~  
7 ~~department, setting forth in the notice the manner in which~~  
8 ~~it is planned to recondition the well and any pertinent data~~  
9 ~~known to the storage operator which will indicate the~~  
10 ~~condition of the well existing at that time. In addition, the~~  
11 ~~storage operator shall give the department at least 72 hours'~~  
12 ~~notice of the time when reconditioning is to begin. If no~~  
13 ~~objections are raised by the department within ten days, the~~  
14 ~~storage operator may proceed with reconditioning in~~  
15 ~~accordance with the plan as submitted. If objections are made~~  
16 ~~by the department, the department may fix a time and place~~  
17 ~~for a conference under section 3251 (relating to conferences)~~  
18 ~~at which the storage operator and department shall endeavor~~  
19 ~~to agree on a plan to satisfy the objections and meet the~~  
20 ~~requirements of this section. If no agreement is reached, the~~  
21 ~~department may, by an appropriate order, determine whether~~  
22 ~~the plan as submitted meets the requirements of this section~~  
23 ~~or what changes, if any, are required. If, in reconditioning~~  
24 ~~a well in accordance with the plan, physical conditions are~~  
25 ~~encountered which justify or necessitate a change in the~~  
26 ~~plan, the storage operator may request that the plan be~~  
27 ~~changed. If the request is denied, the department shall fix a~~  
28 ~~conference under section 3251 and proceed in the same manner~~  
29 ~~as with original objections. An application may be made in~~  
30 ~~the manner prescribed by section 3221 for approval of an~~

~~1 alternative method of reconditioning a well. If a well  
2 located within the storage reservoir was reconditioned, or  
3 drilled and equipped, prior to April 18, 1985, the  
4 obligations imposed by subsection (a), as to reconditioning  
5 the well, shall be considered fully satisfied if, on the  
6 basis of the data, information and other evidence submitted  
7 to the department, it is determined that:~~

~~8 (i) The conditioning or previous drilling and  
9 equipping was done in the manner required in this  
10 subsection, in regulations promulgated under this chapter  
11 or in a manner approved as an alternative method in  
12 accordance with section 3221.~~

~~13 (ii) The reconditioning or previous drilling and  
14 equipping is still sufficiently effective to meet the  
15 requirements of this chapter.~~

~~16 (2) If a well requires emergency repairs, this chapter  
17 shall not be construed to require the storage operator to  
18 give any notice required by this subsection before making the  
19 repairs.~~

~~20 (d) Exception. The requirements of subsection (a) shall not  
21 apply to injection of gas into a stratum when the sole purpose  
22 of injection, referred to in this subsection as testing, is to  
23 determine whether the stratum is suitable for storage purposes.  
24 Testing shall be conducted only in compliance with the following  
25 requirements:~~

~~26 (1) The person testing or proposing to test shall comply  
27 with section 3231 (relating to reporting requirements for gas  
28 storage operations) and verify the statement required to be  
29 filed by that section.~~

~~30 (2) The storage operator shall give at least six months'~~

1 ~~written notice to the department of the fact that injection~~  
2 ~~of gas for testing purposes is proposed.~~

3 ~~(3) If the department has objections, the department~~  
4 ~~shall fix a time and place for a conference under section~~  
5 ~~3251, not more than ten days from the date of notice to the~~  
6 ~~storage operator, at which time the storage operator and~~  
7 ~~department shall attempt to resolve the issues presented. If~~  
8 ~~an agreement cannot be reached, the department may issue an~~  
9 ~~appropriate order.~~

10 ~~(e) Failure to execute lawful order. In a proceeding under~~  
11 ~~this chapter, if the department determines that an operator of a~~  
12 ~~storage reservoir has failed to carry out a lawful order issued~~  
13 ~~under this chapter, the department may require the operator to~~  
14 ~~suspend operation of the reservoir and withdraw the gas until~~  
15 ~~the violation is remedied, in which case the storage operator,~~  
16 ~~limited by due diligence insofar as existing facilities utilized~~  
17 ~~to remove gas from the reservoir will permit, shall:~~

18 ~~(1) if possible, remove the amount required by the~~  
19 ~~department to be removed; or~~

20 ~~(2) in any event, remove the maximum amount which can be~~  
21 ~~withdrawn in accordance with recognized engineering and~~  
22 ~~operating procedures.~~

23 ~~(f) Duty of storage reservoir operator. The following shall~~  
24 ~~apply:~~

25 ~~(1) A person owning or operating a storage reservoir~~  
26 ~~subject to this chapter shall have a duty to:~~

27 ~~(i) Maintain all wells drilled into or through the~~  
28 ~~reservoir in a condition, and operate them in a manner,~~  
29 ~~sufficient to prevent the escape of gas.~~

30 ~~(ii) Operate and maintain the reservoir and its~~

~~1 facilities as prescribed by departmental regulations and  
2 at a pressure which will prevent gas from escaping, but  
3 the pressure shall not exceed the highest rock pressure  
4 found to have existed during the production history of  
5 the reservoir or another high pressure limit approved by  
6 the department after holding a conference under section  
7 3251 based on geological and production knowledge of the  
8 reservoir, its character, permeability distribution and  
9 operating experience.~~

~~10 (2) The duty under paragraph (1) shall not be construed  
11 to include inability to prevent the escape of gas when gas  
12 escapes as a result of an act of God or a person not under  
13 the control of the storage operator. In that instance, the  
14 storage operator shall have a duty to take action reasonably  
15 necessary to prevent further escape of gas. This paragraph  
16 does not apply to a well which the storage operator failed to  
17 locate and make known to the department.~~

~~18 § 3234. Gas storage reservoir operations in coal areas.~~

~~19 (a) General rule. A person operating a storage reservoir  
20 which underlies or is within 2,000 linear feet of a coal mine  
21 operating in a coal seam that extends over the storage reservoir  
22 or the reservoir protective area shall:~~

~~23 (1) Use every known reasonable method for discovering  
24 and locating all wells which have or may have been drilled  
25 into or through the storage stratum in the acreage lying  
26 within the outside coal boundaries of the operating coal mine  
27 overlying the storage reservoir or the reservoir protective  
28 area.~~

~~29 (2) Plug or recondition, as provided by section 3220  
30 (relating to plugging requirements) and subsection (e), all~~

1 ~~known wells, except to the extent provided in subsections~~  
2 ~~(e), (f), (g) and (h), drilled into or through the storage~~  
3 ~~stratum and located within the portion of the acreage of the~~  
4 ~~operating coal mine overlying the storage reservoir or the~~  
5 ~~reservoir protective area. If an objection is raised as to~~  
6 ~~use of a well as a storage well and after a conference under~~  
7 ~~section 3251 (relating to conferences), it is determined by~~  
8 ~~the department, taking into account all circumstances and~~  
9 ~~conditions, that the well should not be used as a storage~~  
10 ~~well, the well shall be plugged unless, in the opinion of the~~  
11 ~~storage operator, the well may be used as a storage well in~~  
12 ~~the future, in which case, upon approval of the department~~  
13 ~~after taking into account all circumstances and conditions,~~  
14 ~~the storage operator may recondition and inactivate the well~~  
15 ~~rather than plug it.~~

16 ~~(3) The requirements of paragraph (2) shall be deemed to~~  
17 ~~have been fully complied with if, as the operating coal mine~~  
18 ~~is extended, all wells which from time to time come within~~  
19 ~~the acreage described in paragraph (2) are reconditioned or~~  
20 ~~plugged as provided in section 3220 and subsection (e) or (f)~~  
21 ~~so that, by the time the coal mine has reached a point within~~  
22 ~~2,000 linear feet of the wells, they will have been~~  
23 ~~reconditioned or plugged in accordance with section 3220 and~~  
24 ~~subsection (e) or (f).~~

25 ~~(b) Verified statement. A person operating a storage~~  
26 ~~reservoir referred to in subsection (a) shall file with the~~  
27 ~~department and furnish a copy to the person operating the~~  
28 ~~affected operating coal mine a verified statement setting forth:~~

29 ~~(1) That the map and any supplemental maps required by~~  
30 ~~section 3231(a) (relating to reporting requirements for gas~~



1 ~~storage operations) have been prepared and filed in~~  
2 ~~accordance with section 3231.~~

3 ~~(2) A detailed explanation of what the storage operator~~  
4 ~~has done to comply with the requirements of subsection (a) (1)~~  
5 ~~and (2) and the results of those actions.~~

6 ~~(3) Such additional efforts, if any, as the storage~~  
7 ~~operator is making and intends to make to locate all wells.~~

8 ~~(4) Any additional wells that are to be plugged or~~  
9 ~~reconditioned to meet the requirements of subsection (a) (2).~~

10 ~~(b.1) Order of department. If the statement required under~~  
11 ~~subsection (b) is not filed by the storage reservoir operator~~  
12 ~~within the time specified by this chapter or the regulations of~~  
13 ~~the department, the department may order the operator to file~~  
14 ~~the statement.~~

15 ~~(c) Procedure. Within 120 days after receipt of a statement~~  
16 ~~required by this section, the department may direct that a~~  
17 ~~conference be held in accordance with section 3251 to determine~~  
18 ~~whether the requirements of section 3231 and subsection (a) have~~  
19 ~~been fully met. At the conference, if any person believes the~~  
20 ~~requirements have not been fully met, the parties shall attempt~~  
21 ~~to agree on additional actions to be taken and the time for~~  
22 ~~completion, subject to approval of the department. If an~~  
23 ~~agreement cannot be reached, the department shall make a~~  
24 ~~determination and, if the department determines any requirements~~  
25 ~~have not been met, the department shall issue an order~~  
26 ~~specifying in detail the extent to which the requirements have~~  
27 ~~not been met and the actions which the storage operator must~~  
28 ~~complete to meet the requirements. The order shall grant as much~~  
29 ~~time as is reasonably necessary to fully comply. If the storage~~  
30 ~~operator encounters conditions not known to exist at the time of~~

1 ~~issuance of the order and which materially affect the validity~~  
2 ~~of the order or the ability of the storage operator to comply~~  
3 ~~with it, the storage operator may apply for a rehearing or~~  
4 ~~modification of the order.~~

5 ~~(d) Notification. If, in complying with subsection (a), a~~  
6 ~~storage operator, after filing the statement provided for in~~  
7 ~~subsection (b), plugs or reconditions a well, the storage~~  
8 ~~operator shall notify the department and the coal operator~~  
9 ~~affected, in writing, setting forth facts indicating the manner~~  
10 ~~in which the plugging or reconditioning was done. Upon receipt~~  
11 ~~of the notification, the coal operator or department may request~~  
12 ~~a conference under section 3251.~~

13 ~~(e) Plugging wells. In order to meet the requirements of~~  
14 ~~subsection (a), wells which are to be plugged shall be plugged~~  
15 ~~in the manner specified in regulations promulgated under section~~  
16 ~~3211 (relating to well permits). When a well located within the~~  
17 ~~storage reservoir or the reservoir protective area has been~~  
18 ~~plugged prior to April 18, 1985, and, on the basis of the data~~  
19 ~~information and other evidence submitted to the department, it~~  
20 ~~is determined that the plugging was done in the manner required~~  
21 ~~by section 3220, or in a manner approved as an alternative~~  
22 ~~method in accordance with section 3221 (relating to alternative~~  
23 ~~methods), and the plugging is still sufficiently effective to~~  
24 ~~meet the requirements of this chapter, the requirements of~~  
25 ~~subsection (a) as to plugging the well shall be considered to~~  
26 ~~have been fully satisfied.~~

27 ~~(f) Reconditioned wells. The following shall apply:~~

28 ~~(1) In order to comply with subsection (a), unless the~~  
29 ~~department by regulation specifies a different procedure,~~  
30 ~~wells which are to be reconditioned shall be cleaned out from~~

~~the surface through the storage horizon, and the following casing strings shall be pulled and replaced with new casing, using the procedure applicable to drilling a new well under this chapter:~~

~~(i) the producing casing;~~

~~(ii) the largest diameter casing passing through the lowest workable coal seam unless it extends at least 25 feet below the bottom of the coal seam and is determined to be in good physical condition, but the storage operator may, instead of replacing the largest diameter casing, replace the next largest casing string if the casing string extends at least 25 feet below the lowest workable coal seam; and~~

~~(iii) casing strings determined not to be in good physical condition.~~

~~(2) In the case of a well to be used for gas storage, the annular space between each string of casing and the annular space behind the largest diameter casing, to the extent possible, shall be filled to the surface with cement or bentonitic mud or an equally nonporous material approved by the department under section 3221.~~

~~(3) At least 15 days before a well is to be reconditioned, the storage operator shall give notice to the department and the coal operator, lessee or owner, setting forth the manner in which reconditioning is planned and pertinent data known to the storage operator which will indicate the current condition of the well, along with at least 72 hours' notice of the date and time when reconditioning will begin. The coal operator, lessee or owner shall have the right to file, within ten days after receipt~~

1 ~~of the notice, objections to the plan of reconditioning as~~  
2 ~~submitted by the storage operator. If no objections are filed~~  
3 ~~and none are raised by the department within ten days, the~~  
4 ~~storage operator may proceed with reconditioning in~~  
5 ~~accordance with the plan as submitted. If an objection is~~  
6 ~~filed or made by the department, the department shall fix a~~  
7 ~~time and place for a conference under section 3251, at which~~  
8 ~~conference the storage operator and the person having~~  
9 ~~objections shall attempt to agree on a plan of reconditioning~~  
10 ~~that meets the requirements of this section. If no agreement~~  
11 ~~is reached, the department shall, by an appropriate order,~~  
12 ~~determine whether the plan as submitted meets the~~  
13 ~~requirements of this section or what changes should be made~~  
14 ~~to meet the requirements. If, in reconditioning the well in~~  
15 ~~accordance with the plan, physical conditions are encountered~~  
16 ~~which justify or necessitate a change in the plan, the~~  
17 ~~storage operator or coal operator may request that the plan~~  
18 ~~be changed. If the parties cannot agree on a change, the~~  
19 ~~department shall arrange for a conference to determine the~~  
20 ~~matter in the same manner as set forth in connection with~~  
21 ~~original objections to the plan.~~

22 ~~(4) Application may be made to the department in the~~  
23 ~~manner prescribed in section 3221 for approval of an~~  
24 ~~alternative method of reconditioning a well. When a well~~  
25 ~~located within the storage reservoir or the reservoir~~  
26 ~~protective area has been reconditioned or drilled and~~  
27 ~~equipped prior to April 18, 1985, and, on the basis of the~~  
28 ~~data, information and other evidence submitted to the~~  
29 ~~department, the obligations imposed by subsection (a) as to~~  
30 ~~reconditioning the well shall be considered to be fully~~

1 ~~satisfied if it is determined that reconditioning or previous~~  
2 ~~drilling and equipping:~~

3 ~~(i) was done in the manner required in this~~  
4 ~~subsection, or in regulations promulgated hereunder, or~~  
5 ~~in a manner approved as an alternative method in~~  
6 ~~accordance with section 3221; or~~

7 ~~(ii) is still sufficiently effective to meet the~~  
8 ~~requirements of this chapter.~~

9 ~~(5) If a well requires emergency repairs, this~~  
10 ~~subsection shall not be construed to require the storage~~  
11 ~~operator to give the notices specified herein before making~~  
12 ~~the repairs.~~

13 ~~(g) Producing wells. If a well located within the reservoir~~  
14 ~~protective area is a producing well in a stratum below the~~  
15 ~~storage stratum, the obligations imposed by subsection (a) shall~~  
16 ~~not begin until the well ceases to be a producing well.~~

17 ~~(h) Certain other wells. If a well within a storage~~  
18 ~~reservoir or reservoir protective area penetrates the storage~~  
19 ~~stratum but does not penetrate the coal seam being mined by an~~  
20 ~~operating coal mine, the department may, upon application of the~~  
21 ~~operator of the storage reservoir, exempt the well from the~~  
22 ~~requirements of this section. Either party affected may request~~  
23 ~~a conference under section 3251 with respect to exemption of a~~  
24 ~~well covered by this subsection.~~

25 ~~(i) Plugging limitation. In fulfilling the requirements of~~  
26 ~~subsection (a) (2) with respect to a well within the reservoir~~  
27 ~~protective area, the storage operator shall not be required to~~  
28 ~~plug or recondition the well until the storage operator has~~  
29 ~~received from the coal operator written notice that the mine~~  
30 ~~workings will, within the period stated in the notice, be within~~

1 ~~2,000 linear feet of the well. Upon the receipt of the notice,~~  
2 ~~the storage operator shall use due diligence to complete the~~  
3 ~~plugging or reconditioning of the well in accordance with the~~  
4 ~~requirements of this section and section 3220. If the mine~~  
5 ~~workings do not, within a period of three years after the well~~  
6 ~~has been plugged, come within 2,000 linear feet of the well, the~~  
7 ~~coal operator shall reimburse the storage operator for the cost~~  
8 ~~of plugging, provided that the well is still within the~~  
9 ~~reservoir protective area as of that time.~~

10 ~~(j) Retreat mining. If retreat mining approaches a point~~  
11 ~~where, within 90 days, it is expected that the retreat work will~~  
12 ~~be at the location of the pillar surrounding an active storage~~  
13 ~~well, the coal operator shall give written notice to the storage~~  
14 ~~operator, and by agreement, the parties shall determine whether~~  
15 ~~it is necessary or advisable to effectively and temporarily~~  
16 ~~inactivate the well. The well shall not be reactivated until a~~  
17 ~~reasonable period, determined by the parties, has elapsed. If~~  
18 ~~the parties cannot agree as required by this subsection, the~~  
19 ~~matter shall be submitted to the department for resolution. The~~  
20 ~~number of wells required to be temporarily inactivated during~~  
21 ~~the retreat period shall not be of a number that materially~~  
22 ~~affects efficient operation of the storage pool, except that~~  
23 ~~this provision shall not preclude temporary inactivation of a~~  
24 ~~particular well if the practical effect of inactivating it is to~~  
25 ~~render the pool temporarily inoperative.~~

26 ~~(k) Exceptions. The requirements of subsections (a), (l)~~  
27 ~~and (m) shall not apply to injection of gas into a stratum when~~  
28 ~~the whole purpose of injection, referred to in this subsection~~  
29 ~~as testing, is to determine whether the stratum is suitable for~~  
30 ~~storage purposes. Testing shall be conducted only in compliance~~

1 with the following requirements:

2 (1) The person testing or proposing to test shall comply  
3 with all provisions and requirements of section 3231 and  
4 verify the statement required to be filed by that section.

5 (2) If any part of the proposed storage reservoir is  
6 under or within 2,000 linear feet of an operating coal mine  
7 which is operating in a coal seam that extends over the  
8 proposed storage reservoir or the reservoir protective area,  
9 the storage operator shall give at least six months' written  
10 notice to the department and coal operator of the fact that  
11 injection of gas for testing purposes is proposed.

12 (3) The coal operator affected may at any time file  
13 objections with the department, whereupon the department  
14 shall fix a time and place for a conference under section  
15 3251, not more than ten days from the date of the notice to  
16 the storage operator. At the conference, the storage operator  
17 and the objecting party shall attempt to agree, subject to  
18 approval of the department, on the questions involved. If an  
19 agreement cannot be reached, the department may issue an  
20 appropriate order.

21 (4) If at any time a proposed storage reservoir being  
22 tested comes under or within 2,000 linear feet of an  
23 operating coal mine because of extension of the storage  
24 reservoir being tested or because of extension or  
25 establishment or reestablishment of the operating coal mine,  
26 the requirements of this subsection shall immediately become  
27 applicable to the testing.

28 (1) Storage reservoirs near operating coal mines. A person  
29 who proposes to establish a storage reservoir under or within  
30 2,000 linear feet of a coal mine operating in a coal seam that

1 ~~extends over the storage reservoir or the reservoir protective~~  
2 ~~area shall, prior to establishing the reservoir, and in addition~~  
3 ~~to complying with section 3231 and subsection (a), file the~~  
4 ~~verified statement required by subsection (b) and fully comply~~  
5 ~~with any order of the department in the manner provided under~~  
6 ~~subsection (b) or (c) before commencing operation of the storage~~  
7 ~~reservoir. After the person proposing to operate the storage~~  
8 ~~reservoir complies with the requirements of this subsection and~~  
9 ~~commences operations, the person shall continue to be subject to~~  
10 ~~all provisions of this chapter.~~

11 ~~(m) Gas storage reservoirs. If a gas storage reservoir is~~  
12 ~~in operation on April 18, 1985, and at any time thereafter it is~~  
13 ~~under or within 2,000 linear feet of an operating coal mine, or~~  
14 ~~if a gas storage reservoir is put in operation after April 18,~~  
15 ~~1985, and at any time after storage operations begin it is under~~  
16 ~~or within 2,000 linear feet of an operating coal mine, the~~  
17 ~~storage operator shall comply with all of the provisions of this~~  
18 ~~section, except that:~~

19 ~~(1) the time for filing the verified statement under~~  
20 ~~subsection (b) shall be 60 days after the date stated in the~~  
21 ~~notice filed by the coal operator under section 3232(d) and~~  
22 ~~(e) (relating to reporting requirements for coal mining~~  
23 ~~operations);~~

24 ~~(2) the coal operator shall give notice of the delay to~~  
25 ~~the department;~~

26 ~~(3) the department shall, upon the request of the~~  
27 ~~storage operator, extend the time for filing the statement by~~  
28 ~~the additional time which will be required to extend or~~  
29 ~~establish or reestablish the operating coal mine to a point~~  
30 ~~within 2,000 linear feet of the reservoir;~~



1 ~~(4) the verified statement shall also indicate that the~~  
2 ~~map referred to in section 3231(a) has been currently amended~~  
3 ~~as of the time of the filing of the statement; and~~

4 ~~(5) the person operating the storage reservoir shall~~  
5 ~~continue to be subject to all of the provisions of this~~  
6 ~~chapter.~~

7 ~~(n) Failure to comply with order. If, in any proceeding~~  
8 ~~under this chapter, the department determines that an operator~~  
9 ~~of a storage reservoir has failed to comply with a lawful order~~  
10 ~~issued under this chapter, the department may require the~~  
11 ~~storage operator to suspend operation of the reservoir and~~  
12 ~~withdraw the gas from it until the violation is remedied, in~~  
13 ~~which case the storage operator, limited by due diligence~~  
14 ~~insofar as existing facilities utilized to remove gas from the~~  
15 ~~reservoir will permit, shall:~~

16 ~~(1) if possible, remove the amount required by the~~  
17 ~~department to be removed; or~~

18 ~~(2) in any event, remove the maximum amount which can be~~  
19 ~~withdrawn in accordance with recognized engineering and~~  
20 ~~operating procedures.~~

21 ~~(o) Prevention of escape of gas. In addition to initial~~  
22 ~~compliance with other provisions of this chapter and lawful~~  
23 ~~orders issued under this chapter, it shall be the duty, at all~~  
24 ~~times, of a person owning or operating a storage reservoir~~  
25 ~~subject to this chapter to keep all wells drilled into or~~  
26 ~~through the storage stratum in a condition, and operate the~~  
27 ~~wells in a manner, which is designed to prevent the escape of~~  
28 ~~gas out of the storage reservoir and its facilities, and to~~  
29 ~~operate and maintain the storage reservoir and its facilities in~~  
30 ~~the manner prescribed by regulation of the department and at a~~

~~1 pressure that will prevent gas from escaping from the reservoir  
2 or its facilities. This duty shall not be construed to include  
3 inability to prevent the escape of gas when escape results from  
4 an act of God or a person not under the control of the storage  
5 operator, except that this exception does not apply to a well  
6 which the storage operator has failed to locate and make known  
7 to the department. If an escape of gas results from an act of  
8 God or a person not under the control of the storage operator,  
9 the storage operator shall be under the duty to take any action  
10 reasonably necessary to prevent further escape of gas out of the  
11 storage reservoir and its facilities.~~

~~12 § 3235. Inspection of facilities and records.~~

~~13 (a) General rule. The person operating a storage reservoir  
14 affected by this chapter shall, at all reasonable times, be  
15 permitted to inspect applicable records and facilities of a coal  
16 mine overlying the storage reservoir or reservoir protective  
17 area. The person operating a coal mine affected by this chapter  
18 shall, at all reasonable times, be permitted to inspect  
19 applicable records and facilities of a storage reservoir  
20 underlying the coal mine.~~

~~21 (b) Order. If a storage operator or coal operator subject  
22 to subsection (a) refuses to permit inspection of records or  
23 facilities, the department may, on its own motion or on  
24 application of the party seeking inspection, after reasonable  
25 written notice and a hearing if requested by an affected party,  
26 order inspection.~~

~~27 § 3236. Reliance on maps and burden of proof.~~

~~28 (a) General rule. In determining whether a coal mine or  
29 operating coal mine is or will be within a particular distance  
30 from a storage reservoir which is material under this chapter,~~

~~1 the owner or operator of the coal mine and the storage operator  
2 may rely on the most recent map of the storage reservoir or coal  
3 mine filed by the other party with the department.~~

~~4 (b) Accuracy. Where accuracy of a map or data filed under  
5 this chapter is in issue, the person that filed the map or data  
6 shall:~~

~~7 (1) at the request of an objecting party, disclose the  
8 information and method used to compile the map or data, along  
9 with any information available to the person that might  
10 affect current validity of the map or data; and~~

~~11 (2) have the burden of proving accuracy of the map or  
12 data.~~

~~13 § 3237. Exemptions and prohibitions.~~

~~14 (a) Inapplicability of chapter to certain coal mines. This  
15 chapter shall not apply to the following types of coal mines:~~

~~16 (1) Strip mines and auger mines operating from the  
17 surface.~~

~~18 (2) Mines to which the former act of June 9, 1911  
19 (P.L.756, No.319), entitled "An act to provide for the health  
20 and safety of persons employed in and about the bituminous  
21 coal mines of Pennsylvania, and for the protection and  
22 preservation of property connected therewith," did not apply  
23 in accordance with section 3 of that act.~~

~~24 (3) Mines to which the former act of June 2, 1891  
25 (P.L.176, No.177), entitled "An act to provide for the health  
26 and safety of persons employed in and about the anthracite  
27 coal mines of Pennsylvania and for the protection and  
28 preservation of property connected therewith," did not apply  
29 in accordance with section 32 of that act.~~

~~30 (b) Workable coal seams. Injection of gas for storage~~

1 ~~purposes in a workable coal seam, whether or not it is being or~~  
2 ~~has been mined, is prohibited.~~

3 ~~(b.1) Original extraction. Nothing in this chapter~~  
4 ~~prohibits original extraction of natural gas, crude oil or coal.~~

5 ~~(c) Certain rock formations. Nothing in this chapter~~  
6 ~~applies to storage of gas or liquids in storage reservoirs~~  
7 ~~excavated in rock formations specifically for storage purposes.~~

8 SUBCHAPTER D

9 EMINENT DOMAIN

10 Sec.

11 ~~3241. Appropriation of interest in real property.~~

12 ~~§ 3241. Appropriation of interest in real property.~~

13 ~~(a) General rule. Except as provided in this subsection, a~~  
14 ~~corporation empowered to transport, sell or store natural gas or~~  
15 ~~manufactured gas in this Commonwealth may appropriate an~~  
16 ~~interest in real property located in a storage reservoir or~~  
17 ~~reservoir protective area for injection, storage and removal~~  
18 ~~from storage of natural gas or manufactured gas in a stratum~~  
19 ~~which is or previously has been commercially productive of~~  
20 ~~natural gas. The right granted by this subsection shall not be~~  
21 ~~exercised to acquire any of the following for the purpose of gas~~  
22 ~~storage:~~

23 ~~(1) An interest in a geological stratum within the area~~  
24 ~~of a proposed storage reservoir or reservoir protective area:~~

25 ~~(i) unless the original recoverable oil or gas~~  
26 ~~reserves in the proposed storage reservoir have been~~  
27 ~~depleted or exhausted by at least 80%; and~~

28 ~~(ii) until the condemnor has acquired the right, by~~  
29 ~~grant, lease or other agreement, to store gas in the~~  
30 ~~geological stratum underlying at least 75% of the area of~~

1 ~~the proposed storage reservoir.~~

2 ~~(2) An interest in a geological stratum within the area~~  
3 ~~of a proposed storage reservoir or reservoir protective area~~  
4 ~~owned directly or indirectly by a gas company or other person~~  
5 ~~engaged in local distribution of natural gas, if the interest~~  
6 ~~to be acquired is presently being used by the gas company or~~  
7 ~~other person for storage of gas in performance of service to~~  
8 ~~customers in its service area.~~

9 ~~(b) Construction. The following shall apply:~~

10 ~~(1) This chapter authorizes appropriation within a~~  
11 ~~storage reservoir or reservoir protective area of the~~  
12 ~~following:~~

13 ~~(i) a stratum to be used for storage;~~

14 ~~(ii) any gas reserve remaining a stratum to be used~~  
15 ~~for storage;~~

16 ~~(iii) an active or abandoned well or wells drilled~~  
17 ~~into a stratum to be used for storage; and~~

18 ~~(iv) the right to enter upon and use the surface of~~  
19 ~~lands to:~~

20 ~~(A) locate, recondition, maintain, plug or~~  
21 ~~replug an active or abandoned well; or~~

22 ~~(B) operate a well drilled into or through a~~  
23 ~~stratum to be used for storage.~~

24 ~~(2) This chapter does not preclude the owner of~~  
25 ~~nonstorage strata from drilling wells to produce oil or gas~~  
26 ~~from a stratum above or below the storage stratum~~  
27 ~~appropriated by another person, but a person appropriating or~~  
28 ~~holding storage rights may access, inspect and examine the~~  
29 ~~drilling, the completed well, drilling logs and other records~~  
30 ~~relating to drilling, equipping or operating the well in~~

~~order to determine whether the storage stratum is being adequately protected to prevent escape of gas stored therein.~~

~~(3) This chapter does not authorize appropriation of a coal or coal measure, regardless of whether it is being mined, or an interest in the coal mine or coal measure.~~

~~(c) Activities through appropriated strata. A person drilling, operating, using or plugging a well through a stratum appropriated under this chapter shall drill, case, equip, operate or plug it in a manner designed to prevent avoidable escape of gas that may be stored in the storage stratum. Upon violation of this subsection, the court of common pleas of the county where the land in question is situated may compel compliance by injunction or grant other appropriate relief in an action brought by the person storing gas in the storage stratum.~~

~~(d) Prerequisites to appropriation. Before appropriating under this chapter, a person shall attempt to agree with owners of interests in the real property involved as to damages payable for rights and interests to be appropriated, if the owners can be found and are sui juris. If the parties fail to agree, the person shall tender a surety bond to the owners to secure them in the payment of damages. If the owners refuse to accept the bond, cannot be found or are not sui juris, and after reasonable notice to the owners by advertisement or otherwise, the bond shall be presented for approval to the court of common pleas of the county in which the tract of land is situated. Upon the approval of the bond by the court, the right of the person to appropriate in accordance with the provisions of this chapter shall be complete.~~

~~(e) Appointment of viewers. Upon petition of a property owner or a person appropriating under this chapter, the court~~

1 ~~shall:~~

2 ~~(1) appoint three disinterested freeholders of the~~  
3 ~~county to serve as viewers to assess damages to be paid to~~  
4 ~~the property owner for the rights appropriated;~~

5 ~~(2) fix a time for the parties to meet;~~

6 ~~(3) provide notice to the parties; and~~

7 ~~(4) after the viewers have filed their report, fix~~  
8 ~~reasonable compensation for the service of the viewers.~~

9 ~~(f) Appeal. Within 20 days after the filing of a report by~~  
10 ~~viewers appointed under subsection (e), a party may appeal and~~  
11 ~~proceed to a jury trial as in ordinary cases.~~

12 ~~(g) Requirements. Nothing in this section shall relieve a~~  
13 ~~person operating a storage reservoir from the requirements of~~  
14 ~~this chapter.~~

15 SUBCHAPTER E

16 ENFORCEMENT AND REMEDIES

17 Sec.

18 3251. Conferences.

19 3252. Public nuisances.

20 3253. Enforcement orders.

21 3254. Restraining violations.

22 3254.1. Well control emergency response cost recovery.

23 3255. Penalties.

24 3256. Civil penalties.

25 3257. Existing rights and remedies preserved and cumulative  
26 remedies authorized.

27 3258. Inspection and production of materials, witnesses,  
28 depositions and rights of entry.

29 3259. Unlawful conduct.

30 3260. Collection of fines and penalties.

1 ~~3261. Third party liability.~~

2 ~~3262. Inspection reports.~~

3 ~~§ 3251. Conferences.~~

4 ~~(a) General rule. The department or any person having a~~  
5 ~~direct interest in a matter subject to this chapter may, at any~~  
6 ~~time, request that a conference be held to discuss and attempt~~  
7 ~~to resolve by mutual agreement a matter arising under this~~  
8 ~~chapter. Unless otherwise provided, conferences shall be held~~  
9 ~~within 90 days after a request is received by the department,~~  
10 ~~and notice shall be given by the department to all interested~~  
11 ~~parties. A representative of the department shall attend the~~  
12 ~~conference and the department may make recommendations. An~~  
13 ~~agreement reached at a conference shall be consistent with this~~  
14 ~~chapter and, if approved by the department, it shall be reduced~~  
15 ~~to writing and shall be effective, unless reviewed and rejected~~  
16 ~~by the department within ten days after the conference. The~~  
17 ~~record of an agreement approved by the department shall be kept~~  
18 ~~on file by the department and copies shall be furnished to the~~  
19 ~~parties. The scheduling of a conference shall have no effect on~~  
20 ~~the department's authority to issue orders to compel compliance~~  
21 ~~with this chapter.~~

22 ~~(b) Notification. When a coal operator is to be notified of~~  
23 ~~a proceeding under this section, the department simultaneously~~  
24 ~~shall send a copy of the notice to the collective bargaining~~  
25 ~~representative of employees of the coal operator.~~

26 ~~§ 3252. Public nuisances.~~

27 ~~A violation of section 3215.1 (relating to general~~  
28 ~~restrictions), 3216 (relating to well site restoration), 3217-~~  
29 ~~(relating to protection of fresh groundwater and casing~~  
30 ~~requirements), 3218 (relating to protection of water supplies),~~



~~1 3219 (relating to use of safety devices) or 3220 (relating to  
2 plugging requirements), or a rule, regulation, order, term or  
3 condition of a permit relating to any of those sections  
4 constitutes a public nuisance.~~

~~5 § 3253. Enforcement orders.~~

~~6 (a) General rule. Except as modified by subsections (b),  
7 (c) and (d), the department may issue orders necessary to aid in  
8 enforcement of this chapter. An order issued under this chapter  
9 shall take effect upon notice, unless the order specifies  
10 otherwise. The power of the department to issue an order under  
11 this chapter is in addition to any other remedy available to the  
12 department under this chapter or under any other law.~~

~~13 (b) Suspension and revocation. The department may suspend  
14 or revoke a well permit or well registration for any well in  
15 continuing violation of this chapter, the act of June 22, 1937  
16 (P.L.1987, No.394), known as The Clean Streams Law; the act of  
17 July 7, 1980 (P.L.380, No.97), known as the Solid Waste  
18 Management Act; any other statute administered by the  
19 department; or a rule or regulation. A suspension order of the  
20 department shall automatically terminate if the violation upon  
21 which it is based is corrected by the operator to the  
22 satisfaction of the department in order to bring the well into  
23 compliance with this chapter.~~

~~24 (c) Written notice. Prior to suspension or revocation of a  
25 well permit or registration, the department shall serve written  
26 notice on the well operator or its agent, stating specifically  
27 the statutory provision, rule, regulation or other reason relied  
28 upon, along with factual circumstances surrounding the alleged  
29 violation.~~

~~30 (d) Immediate orders. An order of the department requiring~~

1 ~~immediate cessation of drilling operations shall be effective~~  
2 ~~only if authorized by the secretary or a designee.~~

3 ~~(c) Grievances. A person aggrieved by a department order~~  
4 ~~issued under this section shall have the right, within 30 days~~  
5 ~~of receipt of the notice, to appeal to the Environmental Hearing~~  
6 ~~Board.~~

7 ~~§ 3254. Restraining violations.~~

8 ~~(a) General rule. In addition to any other remedy provided~~  
9 ~~in this chapter, the department may institute a suit in equity~~  
10 ~~in the name of the Commonwealth for an injunction to restrain a~~  
11 ~~violation of this chapter or rules, regulations, standards or~~  
12 ~~orders adopted or issued under this chapter and to restrain the~~  
13 ~~maintenance or threat of a public nuisance. Upon motion of the~~  
14 ~~Commonwealth, the court shall issue a prohibitory or mandatory~~  
15 ~~preliminary injunction if it finds that the defendant is~~  
16 ~~engaging in unlawful conduct, as defined by this chapter, or~~  
17 ~~conduct causing immediate and irreparable harm to the public.~~  
18 ~~The Commonwealth shall not be required to furnish bond or other~~  
19 ~~security in connection with the proceeding. In addition to an~~  
20 ~~injunction, the court in equity may level civil penalties as~~  
21 ~~specified in section 3256 (relating to civil penalties).~~

22 ~~(b) District attorney. In addition to other remedies in~~  
23 ~~this chapter, upon relation of the district attorney of a county~~  
24 ~~affected, or upon relation of the solicitor of a municipality~~  
25 ~~affected, an action in equity may be brought in a court of~~  
26 ~~competent jurisdiction for an injunction to restrain a violation~~  
27 ~~of this chapter or rules and regulations promulgated under this~~  
28 ~~chapter or to restrain a public nuisance or detriment to health.~~

29 ~~(c) Concurrent penalties. Penalties and remedies under this~~  
30 ~~chapter shall be deemed concurrent. Existence or exercise of one~~

1 ~~remedy shall not prevent the department from exercising another~~  
2 ~~remedy at law or in equity.~~

3 ~~(d) Jurisdiction. Actions under this section may be filed~~  
4 ~~in the appropriate court of common pleas or in Commonwealth~~  
5 ~~Court, and those courts are hereby granted jurisdiction to hear~~  
6 ~~actions under this section.~~

7 ~~§ 3254.1. Well control emergency response cost recovery.~~

8 ~~A person liable for a well control emergency is responsible~~  
9 ~~for all response costs incurred by the department to respond to~~  
10 ~~the well control emergency. In an action before a court of~~  
11 ~~competent jurisdiction, the department may recover all its~~  
12 ~~response costs, including the cost of regaining control of the~~  
13 ~~well, controlling the perimeter of the well site, preparing~~  
14 ~~water sprays, establishing trenches or dikes to capture runoff~~  
15 ~~fluids and providing the resources and equipment needs for the~~  
16 ~~incident.~~

17 ~~§ 3255. Penalties.~~

18 ~~(a) General violation. A person violating a provision of~~  
19 ~~this chapter commits a summary offense and, upon conviction,~~  
20 ~~shall be sentenced to pay a fine of not more than \$300 or to~~  
21 ~~imprisonment of not more than 90 days, or both. Each day during~~  
22 ~~which the violation continues is a separate and distinct~~  
23 ~~offense.~~

24 ~~(b) Willful violation. A person willfully violating a~~  
25 ~~provision of this chapter or an order of the department issued~~  
26 ~~under this chapter commits a misdemeanor and, upon conviction,~~  
27 ~~shall be sentenced to pay a fine of not more than \$5,000 or to~~  
28 ~~imprisonment of not more than one year, or both. Each day during~~  
29 ~~which the violation continues is a separate and distinct~~  
30 ~~offense.~~

1 ~~(c) Authority. The department may institute a prosecution~~  
2 ~~against any person or municipality for a violation of this~~  
3 ~~chapter.~~

4 ~~§ 3256. Civil penalties.~~

5 ~~In addition to other remedies available at law or in equity~~  
6 ~~for a violation of this chapter, a rule or regulation of the~~  
7 ~~department or a departmental order, the department, after a~~  
8 ~~hearing, may assess a civil penalty regardless of whether the~~  
9 ~~violation was willful. The penalty shall not exceed \$50,000 plus~~  
10 ~~\$2,000 for each day during which the violation continues. In~~  
11 ~~determining the amount, the department shall consider~~  
12 ~~willfulness of the violation, damage or injury to natural~~  
13 ~~resources of this Commonwealth or their uses, endangerment of~~  
14 ~~safety of others, the cost of remedying the harm, savings~~  
15 ~~resulting to the violator as a result of the violation and any~~  
16 ~~other relevant factor. When the department proposes to assess a~~  
17 ~~civil penalty, it shall notify the person of the proposed amount~~  
18 ~~of the penalty. The person charged with the penalty must, within~~  
19 ~~30 days of notification, pay the proposed penalty in full or~~  
20 ~~file an appeal of the assessment with the Environmental Hearing~~  
21 ~~Board. Failure to comply with the time period under this section~~  
22 ~~shall result in a waiver of all legal rights to contest the~~  
23 ~~violation or the amount of the penalty. The civil penalty shall~~  
24 ~~be payable to the Commonwealth and collectible in any manner~~  
25 ~~provided at law for collection of debts. If a violator neglects~~  
26 ~~or refuses to pay the penalty after demand, the amount, together~~  
27 ~~with interest and costs that may accrue, shall become a lien in~~  
28 ~~favor of the Commonwealth on the real and personal property of~~  
29 ~~the violator, but only after the lien has been entered and~~  
30 ~~docketed of record by the prothonotary of the county where the~~

1 ~~property is situated. The department may at any time transmit to~~  
2 ~~the prothonotaries of the various counties certified copies of~~  
3 ~~all liens. It shall be the duty of each prothonotary to enter~~  
4 ~~and docket the liens of record in the prothonotary's office and~~  
5 ~~index them as judgments are indexed, without requiring payment~~  
6 ~~of costs as a condition precedent to entry.~~

7 ~~§ 3257. Existing rights and remedies preserved and cumulative~~  
8 ~~remedies authorized.~~

9 ~~Nothing in this chapter estops the Commonwealth or a district~~  
10 ~~attorney from proceeding in a court of law or in equity to abate~~  
11 ~~pollution forbidden under this chapter or a nuisance under~~  
12 ~~existing law. It is hereby declared to be the purpose of this~~  
13 ~~chapter to provide additional and cumulative remedies to control~~  
14 ~~activities related to drilling for, or production of, oil and~~  
15 ~~gas in this Commonwealth, and nothing contained in this chapter~~  
16 ~~abridges or alters rights of action or remedies existing, or~~  
17 ~~which existed previously, in equity or under common or statutory~~  
18 ~~law, criminal or civil. Neither this chapter, the grant of a~~  
19 ~~permit under this chapter nor an act done by virtue of this~~  
20 ~~chapter estops the Commonwealth, in exercising rights under~~  
21 ~~common or decisional law or in equity, from suppressing a~~  
22 ~~nuisance, abating pollution or enforcing common law or statutory~~  
23 ~~rights. No court of this Commonwealth with jurisdiction to abate~~  
24 ~~public or private nuisances shall be deprived of jurisdiction in~~  
25 ~~an action to abate a private or public nuisance instituted by~~  
26 ~~any person on grounds that the nuisance constitutes air or water~~  
27 ~~pollution.~~

28 ~~§ 3258. Inspection and production of materials, witnesses,~~  
29 ~~depositions and rights of entry.~~

30 ~~(a) General rule. The department may make inspections,~~

1 ~~conduct tests or sampling or examine books, papers and records~~  
2 ~~pertinent to a matter under investigation under this chapter to~~  
3 ~~determine compliance with this chapter. For this purpose, the~~  
4 ~~duly authorized agents and employees of the department may at~~  
5 ~~all reasonable times enter and examine any involved property,~~  
6 ~~facility, operation or activity.~~

7 ~~(a.1) Preoperation inspections. The operator may not~~  
8 ~~commence drilling activities until the department has conducted~~  
9 ~~an inspection of the unconventional well site after the~~  
10 ~~installation of erosion and sediment control measures. The~~  
11 ~~department may conduct follow up inspections of well sites and~~  
12 ~~related activities to determine compliance with the act.~~

13 ~~(b) Access. The owner, operator or other person in charge~~  
14 ~~of a property, facility, operation or activity under this~~  
15 ~~chapter, upon presentation of proper identification and purpose~~  
16 ~~either for inspection or to remediate or otherwise respond to a~~  
17 ~~well control emergency, by agents or employees of the~~  
18 ~~department, shall provide free and unrestricted entry and~~  
19 ~~access. Upon refusal, the agent or employee may obtain a search~~  
20 ~~warrant or other suitable order authorizing entry and inspection~~  
21 ~~remediation or response. It shall be sufficient to justify~~  
22 ~~issuance of a search warrant authorizing examination and~~  
23 ~~inspection if:~~

24 ~~(1) there is probable cause to believe that the object~~  
25 ~~of the investigation is subject to regulation under this~~  
26 ~~chapter; and~~

27 ~~(2) access, examination or inspection is necessary to~~  
28 ~~enforce the provisions of this chapter.~~

29 ~~(c) Witnesses. In any part of this Commonwealth, the~~  
30 ~~department may subpoena witnesses, administer oaths, examine~~

1 ~~witnesses, take testimony and compel production of books,~~  
2 ~~records, maps, plats, papers, documents and other writings~~  
3 ~~pertinent to proceedings or investigations conducted by the~~  
4 ~~department under this chapter. Upon refusal to obey a subpoena~~  
5 ~~by any person and on application of the department, a court may~~  
6 ~~enforce a subpoena in contempt proceedings. Fees for serving a~~  
7 ~~subpoena shall be the same as those paid to sheriffs for similar~~  
8 ~~services.~~

9 ~~(d) Deposition. The department or a party to a proceeding~~  
10 ~~before the department may cause the deposition of a witness who~~  
11 ~~resides in or outside of this Commonwealth to be taken in the~~  
12 ~~manner prescribed by law for taking depositions in civil~~  
13 ~~actions.~~

14 ~~(e) Witness fee. Witnesses summoned before the department~~  
15 ~~shall be paid the same fees as are paid to witnesses in courts~~  
16 ~~of record of general jurisdiction. Witnesses whose depositions~~  
17 ~~are taken under this chapter, and the officers taking those~~  
18 ~~depositions, shall be entitled to the same fees as those paid~~  
19 ~~for like services in court.~~

20 ~~(f) Purchasers. Upon request, a purchaser of oil or gas~~  
21 ~~shall provide the department information necessary to determine~~  
22 ~~ownership of facilities from which the purchaser obtained oil or~~  
23 ~~gas. The information shall be kept confidential for a period of~~  
24 ~~five years, and the department may utilize it in enforcement~~  
25 ~~proceedings. The department may request information under this~~  
26 ~~section only when a well does not comply with section 3211(h)~~  
27 ~~(relating to well permits).~~

28 ~~§ 3259. Unlawful conduct.~~

29 ~~It shall be unlawful for any person to:~~

30 ~~(1) Drill, alter, operate or utilize an oil or gas well~~

1 ~~without a permit or registration from the department as~~  
2 ~~required by this chapter or in violation of rules or~~  
3 ~~regulations adopted under this chapter, orders of the~~  
4 ~~department or a term or condition of a permit issued by the~~  
5 ~~department.~~

6 ~~(2) Conduct an activity related to drilling for, or~~  
7 ~~production of, oil and gas:~~

8 ~~(i) contrary to this chapter, rules or regulations~~  
9 ~~adopted under this chapter, an order of the department or~~  
10 ~~a term or condition of a permit issued by the department;~~

11 ~~or~~

12 ~~(ii) in any manner as to create a public nuisance or~~  
13 ~~adversely affect public health, safety, welfare or the~~  
14 ~~environment.~~

15 ~~(3) Refuse, obstruct, delay or threaten an agent or~~  
16 ~~employee of the department acting in the course of lawful~~  
17 ~~performance of a duty under this chapter, including, but not~~  
18 ~~limited to, entry and inspection.~~

19 ~~(4) Attempt to obtain a permit or identify a well as an~~  
20 ~~orphan well by misrepresentation or failure to disclose all~~  
21 ~~relevant facts.~~

22 ~~(5) Cause abandonment of a well by removal of casing or~~  
23 ~~equipment necessary for production without plugging the well~~  
24 ~~in the manner prescribed under section 3220 (relating to~~  
25 ~~plugging requirements), except that the owner or operator of~~  
26 ~~a well may temporarily remove casing or equipment necessary~~  
27 ~~for production, but only if it is part of the normal course~~  
28 ~~of production activities.~~

29 ~~§ 3260. Collection of fines and penalties.~~

30 ~~Fines and penalties shall be collectible in a manner provided~~



1 ~~by law for collection of debts. If a person liable to pay a~~  
2 ~~penalty neglects or refuses to pay after demand, the amount,~~  
3 ~~together with interest and costs that may accrue, shall be a~~  
4 ~~judgment in favor of the Commonwealth on the person's property,~~  
5 ~~but only after the judgment has been entered and docketed of~~  
6 ~~record by the prothonotary of the county where the property is~~  
7 ~~situated. The department may transmit to prothonotaries of the~~  
8 ~~various counties certified copies of all judgments, and it shall~~  
9 ~~be the duty of each prothonotary to enter and docket them of~~  
10 ~~record in the prothonotary's office and index them as judgments~~  
11 ~~are indexed, without requiring payment of costs as a condition~~  
12 ~~precedent to entry.~~

13 ~~§ 3261. Third party liability.~~

14 ~~If a person other than a well operator renders a service or~~  
15 ~~product to a well or well site, that person is jointly and~~  
16 ~~severally liable with the well owner or operator for violations~~  
17 ~~of this chapter arising out of and caused by the person's~~  
18 ~~actions at the well or well site.~~

19 ~~§ 3262. Inspection reports.~~

20 ~~The department shall post inspection reports on its publicly~~  
21 ~~accessible Internet website. The inspection reports shall~~  
22 ~~include:~~

23 ~~(1) The nature and description of violations.~~

24 ~~(2) The operator's written response to the violation, if~~  
25 ~~available.~~

26 ~~(3) The status of the violation.~~

27 ~~(4) The remedial steps taken by the operator or the~~  
28 ~~department to address the violation.~~

29 ~~SUBCHAPTER F~~

30 ~~MISCELLANEOUS PROVISIONS~~

1 ~~Sec.~~

2 ~~3271. Well plugging funds.~~

3 ~~3272. Local ordinances.~~

4 ~~3273. Effect on department authority.~~

5 ~~3273.1. Relationship to solid waste and surface mining.~~

6 ~~3274. Regulatory authority.~~

7 ~~§ 3271. Well plugging funds.~~

8 ~~(a) Appropriation. Fines, civil penalties and permit and~~  
9 ~~registration fees collected under this chapter are appropriated~~  
10 ~~to the department to carry out the purposes of this chapter.~~

11 ~~(b) Surcharge. To aid in indemnifying the Commonwealth for~~  
12 ~~the cost of plugging abandoned wells, a \$50 surcharge is added~~  
13 ~~to the permit fee established by the department under section~~  
14 ~~3211 (relating to well permits) for new wells. Money collected~~  
15 ~~as a result of the surcharge shall be paid into a restricted~~  
16 ~~revenue account in the State Treasury to be known as the~~  
17 ~~Abandoned Well Plugging Fund and expended by the department to~~  
18 ~~plug abandoned wells threatening the health and safety of~~  
19 ~~persons or property or pollution of waters of this Commonwealth.~~

20 ~~(c) Orphan Well Plugging Fund. The following shall apply:~~

21 ~~(1) A restricted revenue account to be known as the~~  
22 ~~Orphan Well Plugging Fund is created. A \$100 surcharge for~~  
23 ~~wells to be drilled for oil production and a \$200 surcharge~~  
24 ~~for wells to be drilled for gas production are added to the~~  
25 ~~permit fee established by the department under section 3211~~  
26 ~~for new wells. The surcharges shall be placed in the Orphan~~  
27 ~~Well Plugging Fund and expended by the department to plug~~  
28 ~~orphan wells. If an operator rehabilitates a well abandoned~~  
29 ~~by another operator or an orphan well, the permit fee and the~~  
30 ~~surcharge for the well shall be waived.~~

1       ~~(2) The department shall study its experience in~~  
2 ~~implementing this section and shall report its findings to~~  
3 ~~the Governor and the General Assembly by August 1, 1992. The~~  
4 ~~report shall contain information relating to the balance of~~  
5 ~~the fund, number of wells plugged, number of identified wells~~  
6 ~~eligible for plugging and recommendations as to alternative~~  
7 ~~funding mechanisms.~~

8       ~~(3) Expenditures by the department for plugging orphan~~  
9 ~~wells are limited to fees collected under this chapter. No~~  
10 ~~money from the General Fund shall be expended for this~~  
11 ~~purpose.~~

12 ~~§ 3272. Local ordinances.~~

13       ~~(a) General rule. Except as provided under subsection (b),~~  
14 ~~this chapter and any other environmental law are of Statewide~~  
15 ~~concern and occupy the entire field of regulation regarding oil~~  
16 ~~and gas operations, to the exclusion of all local rules,~~  
17 ~~regulations, codes, agreements, resolutions, ordinances and~~  
18 ~~other local enactments. No local rule, regulation, code,~~  
19 ~~agreement, resolution, ordinance or other local enactment of any~~  
20 ~~municipality may regulate oil and gas operations. All local~~  
21 ~~rules, regulations, codes, agreements, resolutions, ordinances~~  
22 ~~and other local enactments that regulate oil and gas operations~~  
23 ~~are hereby superseded and preempted.~~

24       ~~(b) Exception. Subsection (a) shall not apply to ordinances~~  
25 ~~adopted under the act of October 4, 1978 (P.L.851, No.166),~~  
26 ~~known as the Flood Plain Management Act.~~

27 ~~§ 3273. Effect on department authority.~~

28       ~~This chapter does not affect, limit or impair any right or~~  
29 ~~authority of the department under the act of June 22, 1937~~  
30 ~~(P.L.1987, No.394), known as The Clean Streams Law; the act of~~

1 ~~January 8, 1960 (1959 P.L.2119, No.787), known as the Air~~  
2 ~~Pollution Control Act; the act of November 26, 1978 (P.L.1375,~~  
3 ~~No.325), known as the Dam Safety and Encroachments Act; or the~~  
4 ~~act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste~~  
5 ~~Management Act.~~

6 ~~§ 3273.1. Relationship to solid waste and surface mining.~~

7 ~~(a) General rule. The obligation to obtain a permit and~~  
8 ~~post a bond under Articles III and V of the act of July 7, 1980~~  
9 ~~(P.L.380, No.97), known as the Solid Waste Management Act, and~~  
10 ~~to provide public notice under section 1905 A(b)(1)(v) of the~~  
11 ~~act of April 9, 1929 (P.L.177, No.175), known as The~~  
12 ~~Administrative Code of 1929, for any pit, impoundment, method or~~  
13 ~~facility employed for the disposal, processing or storage of~~  
14 ~~residual wastes generated by the drilling of an oil or gas well~~  
15 ~~or from the production of wells which is located on the well~~  
16 ~~site, shall be considered to have been satisfied if the owner or~~  
17 ~~operator of the well meets the following conditions:~~

18 ~~(1) the well is permitted under the requirements of~~  
19 ~~section 3211 (relating to well permits) or registered under~~  
20 ~~section 3213 (relating to well registration and~~  
21 ~~identification);~~

22 ~~(2) the owner or operator has satisfied the financial~~  
23 ~~security requirements of section 3215 (relating to well~~  
24 ~~location restrictions) by obtaining a surety or collateral~~  
25 ~~bond for the well and well site; and~~

26 ~~(3) the owner or operator maintains compliance with this~~  
27 ~~chapter and applicable regulations of the Environmental~~  
28 ~~Quality Board.~~

29 ~~(b) Noncoal surface mining. Obligations under the act of~~  
30 ~~December 19, 1984 (P.L.1093, No.219), known as the Noncoal~~

~~1 Surface Mining Conservation and Reclamation Act, or a rule or  
2 regulation promulgated thereunder, for any borrow area where  
3 minerals are extracted solely for the purpose of oil and gas  
4 well development, including access road construction, shall be  
5 considered to have been satisfied if the owner or operator of  
6 the well meets the conditions imposed under subsection (a)(1)  
7 and (2) and maintains compliance with this chapter and  
8 applicable regulations of the Environmental Quality Board.~~

~~9 (c) Solid Waste Management Act. This section does not  
10 diminish or otherwise affect duties or obligations of an owner  
11 or operator under the Solid Waste Management Act. This section  
12 does not apply to waste classified as hazardous waste under the  
13 Solid Waste Management Act or the Resource Conservation and  
14 Recovery Act of 1976 (Public Law 94 580, 90 Stat. 2795, 42  
15 U.S.C. § 6901 et seq.).~~

~~16 (d) Definition. As used in this section and sections 3216  
17 (relating to well site restoration) and 3225 (relating to  
18 bonding), the term "well site" means areas occupied by all  
19 equipment or facilities necessary for or incidental to drilling,  
20 production or plugging a well.~~

~~21 § 3274. Regulatory authority.~~

~~22 The Environmental Quality Board shall adopt regulations to  
23 implement this chapter.~~

~~24 Section 3. The addition of 27 Pa.C.S. Ch. 33 Subch. B is a  
25 continuation of the former act of December 15, 1955 (P.L.865,  
26 No.256), entitled "An act requiring rents and royalties from oil  
27 and gas leases of Commonwealth land to be placed in a special  
28 fund to be used for conservation, recreation, dams and flood  
29 control; authorizing the Secretary of Forests and Waters to  
30 determine the need for and location of such projects and to~~

1 ~~acquire the necessary land." The following apply:~~

2 ~~(1) Except as otherwise provided in 27 Pa.C.S. Ch. 33~~  
3 ~~Subch. B, all activities initiated under the former act of~~  
4 ~~December 15, 1955 (P.L.865, No.256) shall continue and remain~~  
5 ~~in full force and effect and may be completed under 27~~  
6 ~~Pa.C.S. Ch. 33 Subch. B. Resolutions, orders, regulations,~~  
7 ~~rules and decisions which were made under the former act of~~  
8 ~~December 15, 1955 (P.L.865, No.256) and which are in effect~~  
9 ~~on the effective date of this section shall remain in full~~  
10 ~~force and effect until revoked, vacated or modified under 27~~  
11 ~~Pa.C.S. Ch. 33 Subch. B. Contracts, obligations and~~  
12 ~~agreements entered into under the former act of December 15,~~  
13 ~~1955 (P.L.865, No.256) are not affected nor impaired by the~~  
14 ~~repeal of the former act of December 15, 1955 (P.L.865,~~  
15 ~~No.256).~~

16 ~~(2) Except as set forth in paragraph (3), any difference~~  
17 ~~in language between 27 Pa.C.S. Ch. 33 Subch. B and the former~~  
18 ~~act of December 15, 1955 (P.L.865, No.256) is intended only~~  
19 ~~to conform to the style of the Pennsylvania Consolidated~~  
20 ~~Statutes and is not intended to change or affect the~~  
21 ~~legislative intent, judicial construction or administrative~~  
22 ~~interpretation and implementation of the former act of~~  
23 ~~December 15, 1955 (P.L.865, No.256).~~

24 ~~(3) Paragraph (2) does not apply to 27 Pa.C.S. §§ 3301,~~  
25 ~~3302(b)(3), 3305 and 3306.~~

26 ~~Section 4. Repeals are as follows:~~

27 ~~(1) The General Assembly declares that the repeal under~~  
28 ~~paragraph (2) is necessary to effectuate the addition of 27~~  
29 ~~Pa.C.S. Ch. 33.~~

30 ~~(2) The act of December 15, 1955 (P.L.865, No.256),~~

1 ~~entitled "An act requiring rents and royalties from oil and~~  
2 ~~gas leases of Commonwealth land to be placed in a special~~  
3 ~~fund to be used for conservation, recreation, dams, and flood~~  
4 ~~control; authorizing the Secretary of Forests and Waters to~~  
5 ~~determine the need for and location of such projects and to~~  
6 ~~acquire the necessary land," is repealed.~~

7 ~~(3) The General Assembly declares that the repeal under~~  
8 ~~paragraph (4) is necessary to effectuate the addition of 58~~  
9 ~~Pa.C.S. Ch. 32.~~

10 ~~(4) The act of December 19, 1984 (P.L.1140, No.223),~~  
11 ~~known as the Oil and Gas Act, is repealed.~~

12 ~~Section 5. The addition of 58 Pa.C.S. Ch. 32 is a~~  
13 ~~continuation of the act of December 19, 1984 (P.L.1140, No.223),~~  
14 ~~known as the Oil and Gas Act. The following apply:~~

15 ~~(1) Except as otherwise provided in 58 Pa.C.S. Ch. 32,~~  
16 ~~all activities initiated under the Oil and Gas Act shall~~  
17 ~~continue and remain in full force and effect and may be~~  
18 ~~completed under 58 Pa.C.S. Ch. 32. Orders, regulations, rules~~  
19 ~~and decisions which were made under the Oil and Gas Act and~~  
20 ~~which are in effect on the effective date of section 2(2) of~~  
21 ~~this act shall remain in full force and effect until revoked,~~  
22 ~~vacated or modified under 58 Pa.C.S. Ch. 32. Contracts,~~  
23 ~~obligations and collective bargaining agreements entered into~~  
24 ~~under the Oil and Gas Act are not affected nor impaired by~~  
25 ~~the repeal of the Oil and Gas Act.~~

26 ~~(2) Except as set forth in paragraph (3), any difference~~  
27 ~~in language between 58 Pa.C.S. Ch. 32 and the Oil and Gas Act~~  
28 ~~is intended only to conform to the style of the Pennsylvania~~  
29 ~~Consolidated Statutes and is not intended to change or affect~~  
30 ~~the legislative intent, judicial construction or~~

1 ~~administration and implementation of the Oil and Gas Act.~~

2 ~~(3) Paragraph (2) does not apply to the addition of 58-~~  
3 ~~Pa.C.S. §§ 3203, 3211, 3212.1, 3215, 3215.1, 3216, 3218,~~  
4 ~~3219.1, 3222, 3225, 3252, 3253, 3254.1, 3256, 3258, 3262 and~~  
5 ~~3272.~~

6 ~~Section 4. This act shall take effect in 60 days.~~

7 SECTION 1. TITLE 27 OF THE PENNSYLVANIA CONSOLIDATED  
8 STATUTES IS AMENDED BY ADDING CHAPTERS TO READ:



9 CHAPTER 33

10 OIL AND GAS

11 SUBCHAPTER

12 A. (RESERVED)

13 B. OIL AND GAS LEASE FUND

14 C. KEYSTONE TRANSIT

15 D. CLEAN TRANSIT

16 SUBCHAPTER A

17 (RESERVED)

18 SUBCHAPTER B

19 OIL AND GAS LEASE FUND

20 SEC.

21 3301. DEFINITIONS.

22 3302. OIL AND GAS LEASE FUND.

23 3303. POWERS AND DUTIES OF SECRETARY.

24 3304. APPROPRIATION OF MONEYS.

25 3305. INTERFUND TRANSFERS.

26 § 3301. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER

28 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

29 CONTEXT CLEARLY INDICATES OTHERWISE:

30 "DEPARTMENT." THE DEPARTMENT OF CONSERVATION AND NATURAL



1 RESOURCES OF THE COMMONWEALTH.

2 "FUND." THE OIL AND GAS LEASE FUND ESTABLISHED BY THIS  
3 SUBCHAPTER.

4 "SECRETARY." THE SECRETARY OF CONSERVATION AND NATURAL  
5 RESOURCES OF THE COMMONWEALTH.

6 § 3302. OIL AND GAS LEASE FUND.

7 (A) ESTABLISHMENT.--THE OIL AND GAS LEASE FUND IS  
8 ESTABLISHED IN THE STATE TREASURY.

9 (B) DEPOSITS.--ALL RENTS AND ROYALTIES FROM OIL AND GAS  
10 LEASES OF ANY LAND OWNED BY THE COMMONWEALTH, EXCEPT RENTS AND  
11 ROYALTIES RECEIVED FROM GAME AND FISH LANDS, SHALL BE PLACED IN  
12 THE FUND TO BE USED EXCLUSIVELY:

13 (1) FOR CONSERVATION, RECREATION, DAMS OR FLOOD CONTROL;

14 (2) TO MATCH ANY FEDERAL GRANTS WHICH MAY BE MADE FOR  
15 ANY OF THE PURPOSES ENUMERATED IN THIS SUBCHAPTER; AND

16 (3) FOR INTERFUND TRANSFERS AS PROVIDED IN SECTION 3305  
17 (RELATING TO INTERFUND TRANSFERS).

18 § 3303. POWERS AND DUTIES OF SECRETARY.

19 THE SECRETARY SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

20 (1) TO DETERMINE, IN THE SECRETARY'S DISCRETION, THE  
21 NEED FOR AND THE LOCATION OF ANY PROJECT AUTHORIZED BY THIS  
22 CHAPTER.

23 (2) TO ACQUIRE IN THE NAME OF THE COMMONWEALTH BY  
24 PURCHASE, CONDEMNATION OR OTHERWISE SUCH LANDS AS MAY BE  
25 NEEDED.

26 § 3304. APPROPRIATION OF MONEYS.

27 ALL THE MONEYS FROM TIME TO TIME PAID INTO THE FUND ARE  
28 SPECIFICALLY APPROPRIATED ON A CONTINUING BASIS TO THE  
29 DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS SUBCHAPTER.

30 § 3305. INTERFUND TRANSFERS.

1 TRANSFERS SHALL BE MADE BETWEEN FUNDS IN THE STATE TREASURY  
2 AS FOLLOWS:

3 (1) ON JULY 1, 2013, AND EACH JULY 1 THEREAFTER, AN  
4 AMOUNT EQUAL TO 25% OF THE TOTAL MONEYS RECEIVED FROM THE  
5 PRIOR FISCAL YEAR SHALL BE TRANSFERRED FROM THE FUND TO THE  
6 ENVIRONMENTAL STEWARDSHIP FUND FOR THE PURPOSE OF PLUGGING  
7 ABANDONED OIL AND GAS WELLS AND OTHER USES AUTHORIZED BY LAW  
8 FOR THE ENVIRONMENTAL STEWARDSHIP FUND.

9 (2) (I) BEGINNING JULY 1, 2014, A TOTAL OF \$40,000,000  
10 SHALL BE TRANSFERRED FROM THE FUND TO THE HAZARDOUS SITES  
11 CLEANUP FUND FOR THE PURPOSE OF REMEDIAL RESPONSE OR  
12 REMEDY AT OIL AND GAS WELL SITES AND OTHER USES  
13 AUTHORIZED BY LAW FOR THE HAZARDOUS SITES CLEANUP FUND.

14 (II) ON JULY 1, 2015, AND EACH JULY 1 THEREAFTER,  
15 THE FOLLOWING SHALL APPLY:

16 (A) THE SUM OF THE AMOUNT TRANSFERRED UNDER  
17 SUBPARAGRAPH (I) DURING THE PRIOR FISCAL YEAR; AND

18 (B) AN AMOUNT EQUAL TO THE PERCENTAGE CHANGE IN  
19 THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FROM  
20 THE PRIOR FISCAL YEAR, MULTIPLIED BY THE AMOUNT IN  
21 CLAUSE (A),

22 SHALL BE TRANSFERRED FROM THE FUND TO THE HAZARDOUS SITES  
23 CLEANUP FUND FOR THE PURPOSE SPECIFIED IN SUBPARAGRAPH  
24 (I).

25 (3) ON JULY 1, 2013, AND EACH JULY 1 THEREAFTER, AN  
26 AMOUNT EQUAL TO 5% OF THE TOTAL MONEYS RECEIVED FROM THE  
27 PRIOR FISCAL YEAR, BUT NOT TO EXCEED \$5,000,000, SHALL BE  
28 TRANSFERRED FROM THE FUND TO THE SEVERAL COUNTIES, SCHOOL  
29 DISTRICTS AND TOWNSHIPS ENTITLED TO RECEIVE PAYMENT FROM THE  
30 COMMONWEALTH IN LIEU OF TAXES UNDER THE ACT OF MAY 17, 1929

1 (P.L.1798, NO.591), REFERRED TO AS THE FOREST RESERVES  
2 MUNICIPAL FINANCIAL RELIEF LAW. THE MONEYS TRANSFERRED UNDER  
3 THIS PARAGRAPH SHALL BE ALLOCATED TO EACH COUNTY, SCHOOL  
4 DISTRICT AND TOWNSHIP BASED ON THE NUMBER OF ACRES OF LAND IN  
5 THE COUNTY, SCHOOL DISTRICT OR TOWNSHIP TO WHICH THE PAYMENT  
6 UNDER THAT ACT APPLIES IN PROPORTION TO THE AGGREGATE NUMBER  
7 OF ACRES OF ALL SUCH LANDS OF THE COUNTIES, SCHOOL DISTRICTS  
8 AND TOWNSHIPS IN THIS COMMONWEALTH.

9 (4) ON JULY 1, 2013, AND EACH JULY 1 THEREAFTER, A TOTAL  
10 OF \$15,000,000 SHALL BE TRANSFERRED FROM THE FUND TO THE  
11 CONSERVATION DISTRICT FUND. THESE FUNDS SHALL BE DISTRIBUTED  
12 IN A MANNER CONSISTENT WITH THE ACT OF MAY 15, 1945 (P.L.547,  
13 NO.217), KNOWN AS THE CONSERVATION DISTRICT LAW, AND THE  
14 PROVISIONS OF THE STATE CONSERVATION COMMISSION'S  
15 CONSERVATION DISTRICT FUND ALLOCATION PROGRAM—STATEMENT OF  
16 POLICY UNDER 25 PA. CODE CH. 83 SUBCH. B (RELATING TO  
17 CONSERVATION DISTRICT FUND ALLOCATION PROGRAM—STATEMENT OF  
18 POLICY).

19 SUBCHAPTER C

20 KEYSTONE TRANSIT

21 SEC.

22 3311. SHORT TITLE OF SUBCHAPTER.

23 3312. DEFINITIONS.

24 3313. KEYSTONE TRANSIT PROGRAM.

25 § 3311. SHORT TITLE OF SUBCHAPTER.

26 THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE  
27 KEYSTONE TRANSIT ACT.

28 § 3312. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "DEDICATED COMPRESSED NATURAL GAS BUS." A BUS WHICH RUNS  
3 SOLELY ON COMPRESSED NATURAL GAS.

4 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF  
5 THE COMMONWEALTH.

6 "MASS TRANSIT AUTHORITY." AN OPERATOR OF REGULARLY SCHEDULED  
7 TRANSPORTATION THAT IS AVAILABLE TO THE GENERAL PUBLIC AND IS  
8 PROVIDED ACCORDING TO PUBLISHED SCHEDULES ALONG DESIGNATED  
9 PUBLISHED ROUTES WITH SPECIFIED STOPPING POINTS FOR THE TAKING  
10 ON AND DISCHARGING OF PASSENGERS. THE TERM DOES NOT INCLUDE  
11 EXCLUSIVE RIDE TAXI SERVICES, CHARTER OR SIGHTSEEING SERVICES,  
12 NONPUBLIC TRANSPORTATION OR SCHOOL BUS OR LIMOUSINE SERVICES.

13 "PROGRAM." THE KEYSTONE TRANSIT PROGRAM.

14 "SMALL MASS TRANSIT AUTHORITY." A MASS TRANSIT AUTHORITY  
15 LOCATED IN THIS COMMONWEALTH THAT DOES NOT EXCEED 245,000  
16 REVENUE VEHICLE HOURS FOR TWO CONSECUTIVE YEARS.  
17 \$ 3313. KEYSTONE TRANSIT PROGRAM.

18 (A) ESTABLISHMENT.--THE DEPARTMENT SHALL ESTABLISH AND  
19 ADMINISTER THE KEYSTONE TRANSIT PROGRAM.

20 (B) PURPOSE.--THE PROGRAM IS ESTABLISHED IN ORDER TO  
21 DECREASE EMISSIONS FROM MASS TRANSIT BUSES BY UTILIZING NATURAL  
22 GAS AS A VEHICLE FUEL.

23 (C) TRANSFER OF FUNDS.--THE STATE TREASURER SHALL TRANSFER  
24 FROM THE OIL AND GAS LEASE FUND TO THE DEPARTMENT THE SUM OF  
25 \$5,000,000 TO FUND THE PROGRAM.

26 (D) USE OF FUNDS.--THE SUM OF \$5,000,000 SHALL BE USED TO  
27 FUND COMPETITIVE GRANTS AVAILABLE TO SMALL MASS TRANSIT  
28 AUTHORITIES FOR THE PURCHASE OF NEW DEDICATED COMPRESSED NATURAL  
29 GAS BUSES.

30 (E) APPLICATION PROCESS.--

1           (1) A MASS TRANSIT AUTHORITY MUST COMPLETE AND SUBMIT TO  
2 THE DEPARTMENT A KEYSTONE TRANSIT GRANT APPLICATION.

3           (2) APPROVED APPLICATIONS MUST OBLIGATE THE MASS TRANSIT  
4 AUTHORITY TO CONTRACT WITH A PRIVATE COMPANY:

5                 (I) TO BUILD EXCLUSIVELY WITH PRIVATE FUNDS; AND

6                 (II) TO MAINTAIN AND OPERATE ANY NEW COMPRESSED  
7 NATURAL GAS FUELING FACILITY NECESSARY TO SUPPORT  
8 COMPRESSED NATURAL GAS BUSES PURCHASED WITH FUNDS  
9 RECEIVED UNDER THIS SUBCHAPTER.

10           (3) THE TERM "OPERATE" AS USED IN THIS SUBSECTION SHALL  
11 NOT INCLUDE THE ACTUAL ACT OF FUELING BUSES.

12           (F) ELIGIBLE COSTS.--

13                 (1) GRANT FUNDS RECEIVED UNDER THIS SUBCHAPTER SHALL BE  
14 ELIGIBLE FOR:

15                 (I) FEDERALLY ASSISTED PURCHASES OF NEW DEDICATED  
16 COMPRESSED NATURAL GAS BUSES AND SHALL BE LIMITED TO THE  
17 TOTAL PERCENTAGE OF THE STATE AND LOCAL MATCH.

18                 (II) NONFEDERALLY ASSISTED BUS PURCHASES AND SHALL  
19 BE LIMITED TO 50% OF THE TOTAL INCREMENTAL COST OF A NEW  
20 DEDICATED COMPRESSED NATURAL GAS BUS.

21                 (2) THE INCREMENTAL COST SHALL BE CAPPED AT \$60,000 FOR  
22 BUSES WHICH HAVE A GROSS VEHICLE WEIGHT RATING OVER 26,000  
23 POUNDS AND \$35,000 FOR BUSES WITH A GROSS VEHICLE WEIGHT  
24 RATING OF 26,000 POUNDS AND UNDER.

25                 (3) BUSES WITH A GROSS VEHICLE WEIGHT RATING OF LESS  
26 THAN 16,000 POUNDS SHALL BE INELIGIBLE.

27                 (4) PRIORITY SHALL BE GIVEN TO THOSE APPLICATIONS WHICH  
28 PROVIDE FOR PUBLIC ACCESS TO COMPRESSED NATURAL GAS VEHICLE  
29 FUELING DISPENSERS.

30           (G) GRANT PROGRAM.--THE DEPARTMENT SHALL ESTABLISH A FORMULA

1 AND METHOD FOR AWARDING OF GRANTS UNDER THE PROGRAM CONSISTENT  
2 WITH THIS SUBCHAPTER.

3 (H) APPEAL PROCESS.--APPLICANTS THAT ARE NOT AWARDED GRANTS  
4 UNDER THIS SUBCHAPTER SHALL NOT HAVE THE RIGHT TO A HEARING OR  
5 THE ISSUANCE OF AN ADJUDICATION UNDER SECTION 4 OF THE ACT OF  
6 JULY 13, 1988 (P.L.530, NO.94), KNOWN AS THE ENVIRONMENTAL  
7 HEARING BOARD ACT, REGARDING THE DEPARTMENT'S DECISION.

8 SUBCHAPTER D

9 CLEAN TRANSIT

10 SEC.

11 3321. SHORT TITLE OF SUBCHAPTER.

12 3322. DEFINITIONS.

13 3323. CLEAN TRANSIT PROGRAM.

14 § 3321. SHORT TITLE OF SUBCHAPTER.

15 THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE CLEAN  
16 TRANSIT ACT.

17 § 3322. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "DEDICATED COMPRESSED NATURAL GAS BUS." A BUS WHICH RUNS  
22 SOLELY ON COMPRESSED NATURAL GAS.

23 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF  
24 THE COMMONWEALTH.

25 "LARGE MASS TRANSIT AUTHORITY." A MASS TRANSIT AUTHORITY  
26 LOCATED IN THIS COMMONWEALTH THAT EXCEEDS 245,000 REVENUE  
27 VEHICLE HOURS FOR TWO CONSECUTIVE YEARS.

28 "MASS TRANSIT AUTHORITY." AN OPERATOR OF REGULARLY SCHEDULED  
29 TRANSPORTATION THAT IS AVAILABLE TO THE GENERAL PUBLIC AND IS  
30 PROVIDED ACCORDING TO PUBLISHED SCHEDULES ALONG DESIGNATED

1 PUBLISHED ROUTES WITH SPECIFIED STOPPING POINTS FOR THE TAKING  
2 ON AND DISCHARGING OF PASSENGERS. THE TERM DOES NOT INCLUDE  
3 EXCLUSIVE RIDE TAXI SERVICES, CHARTER OR SIGHTSEEING SERVICES,  
4 NONPUBLIC TRANSPORTATION OR SCHOOL BUS OR LIMOUSINE SERVICES.

5 "PROGRAM." THE CLEAN TRANSIT PROGRAM.

6 § 3323. CLEAN TRANSIT PROGRAM.

7 (A) ESTABLISHMENT.--THE DEPARTMENT SHALL ESTABLISH AND  
8 ADMINISTER THE CLEAN TRANSIT PROGRAM.

9 (B) PURPOSE.--THE PROGRAM IS ESTABLISHED IN ORDER TO  
10 DECREASE EMISSIONS FROM MASS TRANSIT BUSES BY UTILIZING NATURAL  
11 GAS AS A VEHICLE FUEL.

12 (C) TRANSFER OF FUNDS.--THE STATE TREASURER SHALL TRANSFER  
13 FROM THE OIL AND GAS LEASE FUND TO THE DEPARTMENT THE SUM OF  
14 \$7,500,000 TO FUND THE PROGRAM.

15 (D) USE OF FUNDS.--THE SUM OF \$7,500,000 SHALL BE DEPOSITED  
16 INTO A FUND TO BE ADMINISTERED BY THE DEPARTMENT AND MADE  
17 AVAILABLE TO LARGE MASS TRANSIT AUTHORITIES FOR THE PURCHASE OF  
18 NEW DEDICATED COMPRESSED NATURAL GAS BUSES. THE FOLLOWING SHALL  
19 APPLY:

20 (1) THE MONEY IN THE FUND IS HEREBY APPROPRIATED ON A  
21 CONTINUING BASIS TO THE DEPARTMENT OF ENVIRONMENTAL  
22 PROTECTION FOR THE PURPOSES PROVIDED FOR IN THIS SUBCHAPTER.

23 (2) NO MORE THAN 1.5% OF THE FUND MAY BE USED FOR  
24 ADMINISTRATION.

25 (3) THE DEPARTMENT MAY SET TERMS APPLICABLE TO LOANS IN  
26 ANY MANNER IT DEEMS APPROPRIATE, SUBJECT TO THE PROVISIONS OF  
27 THIS SUBCHAPTER.

28 (E) APPLICATION PROCESS.--

29 (1) A MASS TRANSIT AUTHORITY MUST COMPLETE AND SUBMIT TO  
30 THE DEPARTMENT A CLEAN TRANSIT LOAN APPLICATION.

1           (2) APPROVED APPLICATIONS MUST OBLIGATE THE MASS TRANSIT  
2 AUTHORITY TO CONTRACT WITH A PRIVATE COMPANY:

3           (I) TO BUILD EXCLUSIVELY WITH PRIVATE FUNDS; AND

4           (II) TO MAINTAIN AND OPERATE ANY NEW COMPRESSED  
5 NATURAL GAS FUELING FACILITY NECESSARY TO SUPPORT  
6 COMPRESSED NATURAL GAS BUSES PURCHASED WITH FUNDS  
7 RECEIVED UNDER THIS ACT.

8           (3) THE TERM "OPERATE" AS USED IN THIS SUBSECTION SHALL  
9 NOT INCLUDE THE ACTUAL ACT OF FUELING BUSES.

10 (F) ELIGIBLE COSTS.--

11           (1) LOAN FUNDS RECEIVED UNDER THIS SUBCHAPTER SHALL BE  
12 ELIGIBLE FOR:

13           (I) FEDERALLY ASSISTED PURCHASES OF NEW DEDICATED  
14 COMPRESSED NATURAL GAS BUSES AND SHALL BE LIMITED TO THE  
15 TOTAL PERCENTAGE OF THE STATE AND LOCAL MATCH.

16           (II) NONFEDERALLY ASSISTED BUS PURCHASES AND SHALL  
17 BE LIMITED TO 50% OF THE TOTAL INCREMENTAL COST OF A NEW  
18 COMPRESSED NATURAL GAS BUS.

19           (2) THE INCREMENTAL COST SHALL BE CAPPED AT \$60,000 FOR  
20 BUSES WHICH HAVE A GROSS VEHICLE WEIGHT RATING OVER 26,000  
21 POUNDS AND \$35,000 FOR BUSES WITH A GROSS VEHICLE WEIGHT  
22 RATING OF 26,000 POUNDS AND UNDER.

23           (3) BUSES WITH A GROSS VEHICLE WEIGHT RATING OF LESS  
24 THAN 16,000 POUNDS SHALL BE INELIGIBLE.

25           (4) PRIORITY SHALL BE GIVEN TO THOSE APPLICATIONS WHICH  
26 PROVIDE FOR PUBLIC ACCESS TO COMPRESSED NATURAL GAS VEHICLE  
27 FUELING DISPENSERS.

28           (G) LOAN PROGRAM.--THE DEPARTMENT SHALL ESTABLISH A FORMULA  
29 AND METHOD FOR AWARDING OF LOANS UNDER THE PROGRAM CONSISTENT  
30 WITH THIS SUBCHAPTER.



1 (H) FUND REPAYMENT.--

2 (1) LOANS DISBURSED FROM THE FUND UNDER SUBSECTION (D)  
3 SHALL BE REPAYED TO THE OIL AND GAS LEASE FUND WITHIN FIVE  
4 YEARS FROM DISBURSEMENT AND BEFORE JUNE 30, 2021.

5 (2) ON JUNE 30, 2021, NO MONEY SHALL BE DEPOSITED INTO  
6 THE FUND AND ANY REMAINING MONEY IN THE FUND SHALL BE  
7 TRANSFERRED TO THE OIL AND GAS LEASE FUND.

8 (3) THE INTEREST RATE FOR LOANS PROVIDED BY THE PROGRAM  
9 SHALL NOT EXCEED 2%.

10 (I) APPEAL PROCESS.--APPLICANTS THAT ARE NOT AWARDED GRANTS  
11 UNDER THIS SUBCHAPTER SHALL NOT HAVE THE RIGHT TO A HEARING OR  
12 THE ISSUANCE OF AN ADJUDICATION UNDER SECTION 4 OF THE ACT OF  
13 JULY 13, 1988 (P.L.530, NO.94), KNOWN AS THE ENVIRONMENTAL  
14 HEARING BOARD ACT, REGARDING THE DEPARTMENT'S DECISION.

15 CHAPTER 35

16 WELLS

17 SUBCHAPTER

18 A. UNCONVENTIONAL GAS WELLS

19 B. (RESERVED)

20 SUBCHAPTER A

21 UNCONVENTIONAL GAS WELLS

22 SEC.

23 3501. SHORT TITLE.

24 3502. DEFINITIONS.

25 3503. UNCONVENTIONAL GAS WELL IMPACT FEE.

26 3504. (RESERVED).

27 3505. (RESERVED).

28 3506. ADMINISTRATION.

29 3506.1. WELL INFORMATION.

30 3506.2. PAYMENT CONFIRMATION.

1 3506.3. COUNTY AUTHORITY.

2 3506.4. ENFORCEMENT.

3 3506.5. EXAMINATIONS.

4 3507. DEPOSIT OF FEES.

5 3508. ALLOCATION AND DISTRIBUTION OF FEES.

6 3509. CALCULATION OF PAYMENTS.

7 3510. RECORDKEEPING AND STATE REPORTING.

8 3511. EXPIRATION.

9 § 3501. SHORT TITLE.

10 THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE  
11 UNCONVENTIONAL GAS WELL IMPACT ACT.

12 § 3502. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "ASSOCIATION." A PARTNERSHIP, LIMITED PARTNERSHIP OR ANY  
17 OTHER FORM OF UNINCORPORATED ENTERPRISE OWNED OR CONDUCTED BY  
18 TWO OR MORE PERSONS.

19 "COAL BED METHANE." GAS THAT CAN BE PRODUCED FROM COAL BEDS,  
20 COAL SEAMS, MINED-OUT AREAS OR GOB WELLS.

21 "CORPORATION." A CORPORATION, JOINT STOCK ASSOCIATION,  
22 LIMITED LIABILITY COMPANY, BUSINESS TRUST OR ANY OTHER  
23 INCORPORATED ENTERPRISE ORGANIZED UNDER THE LAWS OF THE UNITED  
24 STATES, THIS COMMONWEALTH OR ANY OTHER STATE, TERRITORY OR  
25 FOREIGN COUNTRY OR DEPENDENCY.

26 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF  
27 THE COMMONWEALTH.

28 "HIGHWAY MILEAGE." THE NUMBER OF MILES OF PUBLIC ROADS AND  
29 STREETS MOST RECENTLY CERTIFIED BY THE DEPARTMENT OF  
30 TRANSPORTATION AS ELIGIBLE FOR DISTRIBUTION OF LIQUID FUELS

1 FUNDS UNDER THE ACT OF JUNE 1, 1956 (1955 P.L.1944, NO.655),  
2 REFERRED TO AS THE LIQUID FUELS TAX MUNICIPAL ALLOCATION LAW.  
3 "MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN OR  
4 TOWNSHIP.

5 "NATURAL GAS." A FOSSIL FUEL CONSISTING OF A MIXTURE OF  
6 HYDROCARBON GASES, PRIMARILY METHANE, POSSIBLY INCLUDING ETHANE,  
7 PROPANE, BUTANE, PENTANE, CARBON DIOXIDE, OXYGEN, NITROGEN AND  
8 HYDROGEN SULFIDE AND OTHER GAS SPECIES. THE TERM INCLUDES GAS  
9 FROM OIL FIELDS KNOWN AS ASSOCIATED GAS OR CASING HEAD GAS,  
10 NATURAL GAS FIELDS KNOWN AS NONASSOCIATED GAS, COAL BEDS, SHALE  
11 BEDS AND OTHER FORMATIONS. THE TERM DOES NOT INCLUDE COAL BED  
12 METHANE.

13 "NONPRODUCING WELL." A NATURAL GAS WELL THAT PRODUCES AN  
14 AVERAGE OF LESS THAN 90,000 CUBIC FEET OF NATURAL GAS PER DAY  
15 DURING A CALENDAR YEAR.

16 "OPERATOR." A PERSON OR ITS SUBSIDIARY, AFFILIATE OR HOLDING  
17 COMPANY THAT HOLDS A PERMIT OR OTHER AUTHORIZATION TO ENGAGE IN  
18 THE BUSINESS OF SEVERING NATURAL GAS FOR SALE, PROFIT OR  
19 COMMERCIAL USE FROM AN UNCONVENTIONAL GAS WELL IN THIS  
20 COMMONWEALTH. THE TERM DOES NOT INCLUDE A PERSON WHO SEVERS  
21 NATURAL GAS FROM A STORAGE FIELD.

22 "PERSON." A NATURAL PERSON OR A CORPORATION, FIDUCIARY,  
23 ASSOCIATION OR OTHER ENTITY, INCLUDING THE COMMONWEALTH AND ANY  
24 OF ITS POLITICAL SUBDIVISIONS, INSTRUMENTALITIES AND  
25 AUTHORITIES. WHEN THE TERM IS USED IN A PROVISION PRESCRIBING  
26 AND IMPOSING A PENALTY OR IMPOSING A FINE OR BOTH, THE TERM  
27 SHALL INCLUDE A MEMBER OF AN ASSOCIATION AND AN OFFICER OF A  
28 CORPORATION.

29 "RATE." THE RATE UNDER SECTION 3503 (RELATING TO  
30 UNCONVENTIONAL GAS WELL IMPACT FEE).

1       "REPORTING PERIOD." THE FISCAL YEAR IN WHICH AN  
2 UNCONVENTIONAL GAS WELL IMPACT FEE IS ASSESSED.

3       "UNCONVENTIONAL GAS WELL." A BORE HOLE DRILLED OR BEING  
4 DRILLED FOR THE PURPOSE OF OR TO BE USED FOR PRODUCING OIL OR  
5 GAS FROM A GEOLOGIC SHALE FORMATION EXISTING BELOW THE BASE OF  
6 THE ELK SANDSTONE OR ITS GEOLOGIC EQUIVALENT STRATIGRAPHIC  
7 INTERVAL WHERE OIL OR GAS GENERALLY CANNOT BE PRODUCED AT  
8 ECONOMIC FLOW RATES OR IN ECONOMIC VOLUMES EXCEPT BY ONE OF THE  
9 FOLLOWING:

10           (1) VERTICAL OR HORIZONTAL WELL BORES STIMULATED BY  
11 HYDRAULIC FRACTURE TREATMENTS.

12           (2) USING MULTILATERAL WELL BORES OR OTHER TECHNIQUES TO  
13 EXPOSE MORE OF THE FORMATION OF THE WELL BORE.

14       "UNCONVENTIONAL GAS WELL IMPACT FEE." A FEE THAT IS ADOPTED  
15 UNDER SECTION 3503 (RELATING TO UNCONVENTIONAL GAS WELL IMPACT  
16 FEE) ON EACH UNCONVENTIONAL GAS WELL PRODUCING NATURAL GAS  
17 WITHIN THIS COMMONWEALTH.

18 § 3503. UNCONVENTIONAL GAS WELL IMPACT FEE.

19       (A) IMPOSITION.--BY ENACTMENT OF AN ORDINANCE BY THE  
20 GOVERNING BODY OF A COUNTY, EXCEPT AS SET FORTH IN SUBSECTION  
21 (B), A COUNTY MAY IMPOSE AN UNCONVENTIONAL GAS WELL IMPACT FEE  
22 ON EACH UNCONVENTIONAL GAS WELL THAT IS LOCATED ON A WELL PAD  
23 AND PRODUCES NATURAL GAS WITHIN THE COUNTY.

24       (B) EXEMPTIONS.--THE UNCONVENTIONAL GAS WELL IMPACT FEE  
25 SHALL NOT BE IMPOSED ON:

26           (1) NONPRODUCING WELLS; OR

27           (2) UNCONVENTIONAL GAS WELLS IN WHICH ALL OF THE NATURAL  
28 GAS IS USED DIRECTLY BY A CONSUMER AT THE SITE.

29       (C) FEE FOR EXISTING UNCONVENTIONAL GAS WELLS.--THE FEE FOR  
30 AN UNCONVENTIONAL GAS WELL WHICH IS IN EXISTENCE ON THE

1 EFFECTIVE DATE OF THE ORDINANCE UNDER SUBSECTION (A) SHALL BE AS  
2 FOLLOWS:

3 (1) FOR THE FIRST YEAR FOLLOWING THE EFFECTIVE DATE OF  
4 THE ORDINANCE, NOT MORE THAN \$40,000.

5 (2) FOR THE SECOND YEAR FOLLOWING THE EFFECTIVE DATE OF  
6 THE ORDINANCE, NOT MORE THAN \$30,000.

7 (3) FOR THE THIRD YEAR FOLLOWING THE EFFECTIVE DATE OF  
8 THE ORDINANCE, NOT MORE THAN \$20,000.

9 (4) FOR THE FOURTH YEAR THROUGH THE TENTH YEAR FOLLOWING  
10 THE EFFECTIVE DATE OF THE ORDINANCE, NOT MORE THAN \$10,000.

11 (D) FEE FOR NEW UNCONVENTIONAL GAS WELLS.--THE FEE FOR AN  
12 UNCONVENTIONAL GAS WELL DRILLED AFTER THE EFFECTIVE DATE OF THE  
13 ORDINANCE UNDER SUBSECTION (A) SHALL BE AS FOLLOWS:

14 (1) FOR THE FIRST YEAR, NOT MORE THAN \$40,000.

15 (2) FOR THE SECOND YEAR, NOT MORE THAN \$30,000.

16 (3) FOR THE THIRD YEAR, NOT MORE THAN \$20,000.

17 (4) FOR THE FOURTH YEAR THROUGH THE TENTH YEAR, NOT MORE  
18 THAN \$10,000.

19 (E) VERTICAL UNCONVENTIONAL GAS WELL FEE.--

20 (1) THE FEE FOR A VERTICAL UNCONVENTIONAL GAS WELL SHALL  
21 BE NOT MORE THAN 25% OF THE FEE ESTABLISHED IN SUBSECTIONS  
22 (C) AND (D).

23 (2) FOR PURPOSES OF THIS SUBSECTION, A VERTICAL  
24 UNCONVENTIONAL GAS WELL SHALL BE DEFINED AS AN UNCONVENTIONAL  
25 GAS WELL THAT UTILIZES HYDRAULIC FRACTURE TREATMENT THROUGH A  
26 SINGLE VERTICAL WELL BORE.

27 (F) PROHIBITION.--

28 (1) UNDER NO CIRCUMSTANCES MAY AN OPERATOR MAKE AN  
29 UNCONVENTIONAL GAS WELL IMPACT FEE, OR ANY OTHER LEVY RELATED  
30 TO THE REMOVAL OR EXTRACTION OF NATURAL GAS, AN OBLIGATION,

1 INDEBTEDNESS OR LIABILITY OF A LANDOWNER, LEASEHOLDER OR  
2 OTHER PERSON IN POSSESSION OF REAL PROPERTY UPON WHICH SUCH  
3 REMOVAL OR EXTRACTION OCCURS.

4 (2) ANY PROVISION OF AN AGREEMENT BETWEEN AN OPERATOR  
5 AND A LANDOWNER, LEASEHOLDER OR OTHER PERSON IN POSSESSION OF  
6 REAL PROPERTY UPON WHICH REMOVAL OR EXTRACTION OF NATURAL GAS  
7 OCCURS THAT VIOLATES PARAGRAPH (1) SHALL BE NULL AND VOID.

8 (3) THIS SECTION SHALL BE APPLICABLE TO ANY AGREEMENT  
9 ENTERED INTO ON OR BEFORE THE EFFECTIVE DATE OF THIS SECTION.

10 (G) RETROACTIVITY PROHIBITED.--NO FEE SHALL BE IMPOSED TO  
11 COVER A PERIOD OF NATURAL GAS PRODUCTION WHICH OCCURRED PRIOR TO  
12 THE EFFECTIVE DATE OF THE ORDINANCE.

13 § 3504. (RESERVED).

14 § 3505. (RESERVED).

15 § 3506. ADMINISTRATION.

16 (A) REPORT.--BY APRIL 1 OF THE YEAR AFTER ENACTMENT OF AN  
17 ORDINANCE IMPOSING A FEE UNDER THIS CHAPTER AND EACH APRIL 1  
18 THEREAFTER, EACH OPERATOR SHALL SUBMIT A REPORT AND PAYMENT OF  
19 THE FEE WITH THE COUNTY ON A FORM PRESCRIBED BY THE DEPARTMENT  
20 FOR THE PREVIOUS CALENDAR YEAR. THE REPORT SHALL INCLUDE THE  
21 FOLLOWING:

22 (1) THE NUMBER OF UNCONVENTIONAL GAS WELLS OF AN  
23 OPERATOR IN EACH MUNICIPALITY WITHIN THE COUNTY.

24 (2) THE TOTAL NUMBER OF CUBIC FEET OF NATURAL GAS  
25 SEVERED BY THE OPERATOR FOR EACH UNCONVENTIONAL GAS WELL  
26 IDENTIFIED UNDER PARAGRAPH (1) DURING THE PREVIOUS CALENDAR  
27 YEAR.

28 (3) THE DATE THAT EACH UNCONVENTIONAL GAS WELL  
29 IDENTIFIED UNDER PARAGRAPH (1) BEGAN OR CEASED THE PRODUCTION  
30 OF NATURAL GAS.

1 (B) FEE DUE DATE.--THE FEE IMPOSED UNDER THIS CHAPTER SHALL  
2 BE DUE BY APRIL 1 OF THE YEAR AFTER ENACTMENT OF AN ORDINANCE  
3 IMPOSING THE FEE AND EACH APRIL 1 THEREAFTER. THE FEE SHALL  
4 BECOME DELINQUENT IF NOT REMITTED TO THE COUNTY ON THE REPORTING  
5 DATE.

6 (C) PUBLIC AVAILABILITY.--A REPORT UNDER THIS SECTION SHALL  
7 BE A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,  
8 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

9 § 3506.1. WELL INFORMATION.

10 (A) LIST.--UPON REQUEST, THE DEPARTMENT SHALL PROVIDE A  
11 COUNTY WITH A LIST OF ALL UNCONVENTIONAL GAS WELLS THAT HAVE  
12 RECEIVED A WELL PERMIT FROM THE DEPARTMENT ISSUED UNDER THIS  
13 CHAPTER. THE LIST SHALL BE UPDATED ON A MONTHLY BASIS. IN LIEU  
14 OF PROVIDING THE LIST TO EACH COUNTY, THE DEPARTMENT MAY  
15 MAINTAIN A LIST ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE IF  
16 THE LIST IS UPDATED ON A MONTHLY BASIS.

17 (B) UPDATES.--AN OPERATOR SHALL NOTIFY THE COUNTY WITHIN 30  
18 DAYS FROM THE DATE THE UNCONVENTIONAL GAS WELL BEGAN OR CEASED  
19 THE PRODUCTION OF NATURAL GAS.

20 § 3506.2. PAYMENT CONFIRMATION.

21 PRIOR TO ISSUING A PERMIT TO DRILL AN UNCONVENTIONAL GAS WELL  
22 IN THIS COMMONWEALTH, THE DEPARTMENT SHALL REQUIRE THE PERMIT  
23 APPLICANT TO CERTIFY IN ITS WELL PERMIT APPLICATION THAT THE  
24 OPERATOR HAS PAID ALL FEES THAT MAY BE OWED UNDER THIS CHAPTER.  
25 THE DEPARTMENT MAY DENY A WELL PERMIT APPLICATION IF IT FINDS  
26 THAT THE OPERATOR FALSIFIED THIS CERTIFICATION.

27 § 3506.3. COUNTY AUTHORITY.

28 (A) POWERS.--A COUNTY MAY MAKE ALL INQUIRIES AND  
29 DETERMINATIONS NECESSARY TO CALCULATE AND COLLECT A FEE IMPOSED  
30 UNDER THIS CHAPTER, INCLUDING, IF APPLICABLE, INTEREST AND

1 PENALTIES.

2 (B) NOTICE.--IF A COUNTY DETERMINES THAT A FEE IMPOSED UNDER  
3 THIS CHAPTER HAS NOT BEEN PAID IN FULL, IT MAY ISSUE A NOTICE OF  
4 THE AMOUNT DUE AND DEMAND FOR PAYMENT AND SHALL SET FORTH THE  
5 BASIS FOR THE DETERMINATION.

6 (C) ADDRESS.--NOTICE OF FAILURE TO PAY THE CORRECT FEE SHALL  
7 BE SENT TO THE OPERATOR AT ITS REGISTERED ADDRESS VIA CERTIFIED  
8 MAIL.

9 (D) TIME PERIOD.--A COUNTY MAY CHALLENGE THE AMOUNT OF A FEE  
10 PAID UNDER THIS CHAPTER WITHIN THREE YEARS AFTER THE DATE THE  
11 REPORT UNDER THIS CHAPTER IS FILED.

12 (E) INTENT.--IF NO REPORT IS FILED OR AN OPERATOR FILES A  
13 FALSE OR FRAUDULENT RETURN WITH THE INTENT TO EVADE A FEE, AN  
14 ASSESSMENT OF THE AMOUNT OWED MAY BE MADE AT ANY TIME.

15 § 3506.4. ENFORCEMENT.

16 (A) ASSESSMENT.--A COUNTY MAY ASSESS INTEREST ON ANY  
17 DELINQUENT FEE IMPOSED UNDER THIS CHAPTER AT THE RATE PRESCRIBED  
18 UNDER SECTION 806 OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176),  
19 KNOWN AS THE FISCAL CODE.

20 (B) PENALTY.--IN ADDITION TO THE INTEREST UNDER SUBSECTION  
21 (A), IF AN OPERATOR FAILS TO MAKE TIMELY PAYMENT OF THE FEE, A  
22 PENALTY SHALL BE ADDED TO THE AMOUNT OF THE FEE DUE. THE AMOUNT  
23 OF THE PENALTY SHALL BE 5% FOR EACH MONTH, OR FRACTION OF A  
24 MONTH, DURING WHICH THE FAILURE CONTINUES, NOT TO EXCEED 25% IN  
25 THE AGGREGATE.

26 (C) TIMELY PAYMENT.--IF A COUNTY DETERMINES THAT AN OPERATOR  
27 HAS NOT MADE A TIMELY PAYMENT OF THE FEE, THE COUNTY SHALL SEND  
28 A WRITTEN NOTICE OF THE AMOUNT OF THE DEFICIENCY TO THE OPERATOR  
29 WITHIN 30 DAYS FROM THE DATE OF DETERMINING THE DEFICIENCY. IF  
30 THE OPERATOR HAS NOT PROVIDED A COMPLETE AND ACCURATE STATEMENT



1 OF THE VOLUME OF NATURAL GAS EXTRACTED FOR THE PAYMENT PERIOD,  
2 THE COUNTY MAY ESTIMATE THE VOLUME IN ITS DEFICIENCY NOTICE.

3 (D) REMEDIES.--THE REMEDIES PROVIDED UNDER THIS CHAPTER  
4 SHALL BE IN ADDITION TO ANY OTHER REMEDIES PROVIDED AT LAW OR IN  
5 EQUITY.

6 (E) LIEN.--FINES, FEES, INTEREST AND PENALTIES SHALL BE  
7 COLLECTIBLE IN THE MANNER PROVIDED BY LAW FOR THE COLLECTION OF  
8 DEBTS. IF THE OPERATOR LIABLE TO PAY ANY AMOUNT NEGLECTS OR  
9 REFUSES TO PAY THE AMOUNT AFTER DEMAND, THE AMOUNT, TOGETHER  
10 WITH COSTS THAT MAY ACCRUE, SHALL BE A JUDGMENT IN FAVOR OF THE  
11 COUNTY UPON THE PROPERTY OF THE OPERATOR, IF THE JUDGMENT HAS  
12 BEEN ENTERED AND DOCKETED OF RECORD BY THE PROTHONOTARY OF THE  
13 COUNTY WHERE THE PROPERTY IS SITUATED.

14 § 3506.5. EXAMINATIONS.

15 (A) ACCESS.--A COUNTY WHICH HAS IMPOSED A FEE UNDER THIS  
16 CHAPTER, OR ITS AUTHORIZED AGENTS OR REPRESENTATIVES, SHALL:

17 (1) HAVE ACCESS TO THE BOOKS, PAPERS AND RECORDS OF ANY  
18 OPERATOR IN ORDER TO VERIFY THE ACCURACY AND COMPLETENESS OF  
19 A REPORT FILED OR FEE PAID UNDER THIS CHAPTER.

20 (2) REQUIRE AND COMPEL THE PRESERVATION AND PRODUCTION  
21 OF ALL BOOKS, PAPERS AND RECORDS FOR ANY PERIOD DEEMED PROPER  
22 NOT TO EXCEED THREE YEARS FROM THE END OF THE CALENDAR YEAR  
23 TO WHICH THE RECORDS RELATE.

24 (3) EXAMINE ANY EMPLOYEE OF AN OPERATOR CONCERNING THE  
25 SEVERING OF NATURAL GAS SUBJECT TO A FEE OR ANY MATTER  
26 RELATING TO THE ENFORCEMENT OF THIS CHAPTER.

27 (B) UNAUTHORIZED DISCLOSURE.--

28 (1) ANY INFORMATION OBTAINED BY A COUNTY AS A RESULT OF  
29 ANY REPORT, EXAMINATION, INVESTIGATION OR HEARING UNDER THIS  
30 SECTION SHALL BE CONFIDENTIAL AND SHALL BE EXEMPT FROM

1 DISCLOSURE UNDER THE PROVISIONS OF THE ACT OF FEBRUARY 14,  
2 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW, AND SHALL  
3 NOT BE DISCLOSED EXCEPT IN ACCORDANCE WITH JUDICIAL ORDER OR  
4 AS OTHERWISE PROVIDED BY LAW.

5 (2) AN INDIVIDUAL UNLAWFULLY DIVULGING THE INFORMATION  
6 DESCRIBED UNDER THIS SUBSECTION COMMITS A MISDEMEANOR AND  
7 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT  
8 MORE THAN \$1,000 AND COSTS OF PROSECUTION OR TO IMPRISONMENT  
9 FOR NOT MORE THAN ONE YEAR, OR BOTH.

10 § 3507. DEPOSIT OF FEES.

11 (A) ESTABLISHMENT.--EACH COUNTY IMPOSING A FEE UNDER THIS  
12 CHAPTER SHALL ESTABLISH AN INTEREST-BEARING ACCOUNT DESIGNED  
13 SOLELY FOR FEES.

14 (B) DEPOSIT.--ALL FEES COLLECTED BY A COUNTY IMPOSING A FEE  
15 UNDER THIS CHAPTER SHALL BE DEPOSITED INTO THE ACCOUNT DESCRIBED  
16 UNDER SUBSECTION (A).

17 § 3508. ALLOCATION AND DISTRIBUTION OF FEES.

18 (A) ALLOCATION OF FEES.--THE FEES DEPOSITED INTO THE ACCOUNT  
19 ESTABLISHED UNDER SECTION 3507 (RELATING TO DEPOSIT OF FEES)  
20 SHALL BE ALLOCATED AS FOLLOWS:

21 (1) SEVENTY-FIVE PERCENT OF THE FEES SHALL BE ALLOCATED  
22 TO THE COUNTY AND ITS MUNICIPALITIES IN THE MANNER PROVIDED  
23 UNDER SUBSECTION (B).

24 (2) TWENTY-FIVE PERCENT OF THE FEES SHALL BE ALLOCATED  
25 TO THE COMMONWEALTH AND DISTRIBUTED IN THE MANNER PROVIDED  
26 UNDER SUBSECTIONS (C) AND (D).

27 (B) DISTRIBUTION OF FEES TO COUNTY AND MUNICIPALITIES.--THE  
28 FEES ALLOCATED TO THE COUNTY AND ITS MUNICIPALITIES UNDER  
29 SUBSECTION (A) (1) SHALL BE DISTRIBUTED AS FOLLOWS:

30 (1) THIRTY-SIX PERCENT OF THE FEES SHALL BE RETAINED BY

1 THE COUNTY WHERE THE PRODUCING UNCONVENTIONAL GAS WELLS ARE  
2 LOCATED.

3 (2) THIRTY-SEVEN PERCENT OF THE FEES SHALL BE  
4 DISTRIBUTED TO THE MUNICIPALITIES WHERE PRODUCING  
5 UNCONVENTIONAL GAS WELLS ARE LOCATED. THE AMOUNT FOR EACH  
6 MUNICIPALITY SHALL BE DETERMINED USING A FORMULA THAT DIVIDES  
7 THE NUMBER OF PRODUCING UNCONVENTIONAL GAS WELLS IN THE  
8 MUNICIPALITY BY THE NUMBER OF PRODUCING UNCONVENTIONAL GAS  
9 WELLS IN THE COUNTY AND MULTIPLIES THE RESULTING PERCENTAGE  
10 BY THE AMOUNT AVAILABLE FOR DISTRIBUTION UNDER THIS  
11 SUBPARAGRAPH.

12 (3) TWENTY-SEVEN PERCENT OF THE FEES SHALL BE  
13 DISTRIBUTED TO ALL MUNICIPALITIES IN THE COUNTY WHERE  
14 PRODUCING UNCONVENTIONAL GAS WELLS ARE LOCATED AS FOLLOWS:

15 (I) FIFTY PERCENT SHALL BE DISTRIBUTED TO ALL  
16 MUNICIPALITIES USING A FORMULA THAT DIVIDES THE  
17 POPULATION OF THE MUNICIPALITY WITHIN THE COUNTY BY THE  
18 TOTAL POPULATION OF THE COUNTY AND MULTIPLIES THE  
19 RESULTING PERCENTAGE BY THE AMOUNT AVAILABLE FOR  
20 DISTRIBUTION TO THE COUNTY UNDER THIS SUBPARAGRAPH.

21 (II) FIFTY PERCENT SHALL BE DISTRIBUTED TO EACH  
22 MUNICIPALITY USING A FORMULA THAT DIVIDES THE HIGHWAY  
23 MILEAGE OF THE MUNICIPALITY WITHIN THE COUNTY BY THE  
24 TOTAL HIGHWAY MILEAGE OF THE COUNTY AND MULTIPLIES THE  
25 RESULTING PERCENTAGE BY THE AMOUNT AVAILABLE FOR  
26 DISTRIBUTION TO THE COUNTY UNDER THIS SUBPARAGRAPH.

27 (C) DISTRIBUTION OF FEES TO COMMONWEALTH.--THE FEES  
28 ALLOCATED TO THE COMMONWEALTH UNDER SUBSECTION (A) (2) SHALL BE  
29 REMITTED TO THE COMMONWEALTH FOR DEPOSIT INTO A RESTRICTED  
30 ACCOUNT IN THE GENERAL FUND OF THE COMMONWEALTH DEDICATED SOLELY

1 FOR FEES. THE FUNDS ARE HEREBY APPROPRIATED AND SHALL BE  
2 DISTRIBUTED AS FOLLOWS AND AS SET FORTH UNDER SUBSECTION (E):

3 (1) SEVENTY PERCENT TO THE DEPARTMENT OF TRANSPORTATION  
4 FOR ROAD, BRIDGE, RAIL AND OTHER TRANSPORTATION  
5 INFRASTRUCTURE IMPROVEMENTS TO ADDRESS IMPACTS FROM  
6 UNCONVENTIONAL NATURAL GAS DEVELOPMENT.

7 (2) TEN AND ONE-HALF PERCENT TO THE DEPARTMENT, NOT TO  
8 EXCEED \$10,000,000 ANNUALLY, FOR THE REGULATION OF  
9 UNCONVENTIONAL GAS WELLS AND THE PLUGGING OF ABANDONED AND  
10 ORPHAN GAS WELLS WITHIN THE COMMONWEALTH.

11 (3) SEVEN AND ONE-HALF PERCENT TO THE PUBLIC UTILITY  
12 COMMISSION, NOT TO EXCEED \$2,000,000 ANNUALLY, FOR THE  
13 ENHANCEMENT, INSPECTION AND ENFORCEMENT OF PIPELINE SAFETY  
14 STANDARDS AS REQUIRED BY LAW RELATED TO THE SAFE TRANSPORT OF  
15 GAS AND HAZARDOUS LIQUIDS.

16 (4) FOUR AND ONE-HALF PERCENT TO THE PENNSYLVANIA  
17 EMERGENCY MANAGEMENT AGENCY, NOT TO EXCEED \$2,000,000  
18 ANNUALLY, FOR EMERGENCY RESPONSE PLANNING, TRAINING AND  
19 COORDINATION ASSOCIATED WITH UNCONVENTIONAL NATURAL GAS  
20 PRODUCTION ACTIVITY WITHIN THE COMMONWEALTH.

21 (5) THREE AND THREE-QUARTERS PERCENT TO THE DEPARTMENT  
22 OF HEALTH, NOT TO EXCEED \$2,000,000 ANNUALLY, FOR COLLECTING  
23 AND DISSEMINATING INFORMATION, PREPARING AND CONDUCTING  
24 HEALTH CARE PROVIDER OUTREACH AND EDUCATION AND INVESTIGATING  
25 HEALTH-RELATED COMPLAINTS AND OTHER USES ASSOCIATED WITH  
26 UNCONVENTIONAL NATURAL GAS PRODUCTION ACTIVITY WITHIN THIS  
27 COMMONWEALTH.

28 (6) THREE AND THREE-QUARTERS PERCENT TO THE OFFICE OF  
29 STATE FIRE COMMISSIONER, NOT TO EXCEED \$2,000,000 ANNUALLY,  
30 FOR THE DEVELOPMENT, DELIVERY AND SUSTAINMENT OF TRAINING

1 PROGRAMS FOR FIRST RESPONDERS AND ACQUISITION OF SPECIALIZED  
2 EQUIPMENT NECESSARY FOR EMERGENCY RESPONSE.

3 (D) ADDITIONAL DISTRIBUTION OF FEES TO DEPARTMENT OF  
4 TRANSPORTATION.--IN ADDITION TO THE DISTRIBUTION OF FEES TO THE  
5 DEPARTMENT OF TRANSPORTATION UNDER SUBSECTION (C) (1), ANY FUNDS  
6 REMAINING IN THE RESTRICTED ACCOUNT AFTER DISTRIBUTION OF FEES  
7 UNDER SUBSECTION (C) (2), (3), (4), (5) AND (6) ARE HEREBY  
8 APPROPRIATED SHALL BE DISTRIBUTED TO THE DEPARTMENT OF  
9 TRANSPORTATION.

10 (E) CONTINUING NATURE.--

11 (1) THE DISTRIBUTIONS UNDER SUBSECTIONS (C) AND (D)  
12 SHALL BE EXECUTIVE AUTHORIZATIONS.

13 (2) THE APPROPRIATIONS UNDER SUBSECTIONS (C) AND (D)  
14 SHALL BE CONTINUING APPROPRIATIONS. THOSE APPROPRIATIONS  
15 SHALL NOT LAPSE AT THE END OF ANY FISCAL YEAR.

16 (F) TIMING OF DISTRIBUTION.--A COUNTY SHALL DISTRIBUTE THE  
17 FEES AUTHORIZED UNDER THIS CHAPTER WITHIN 45 DAYS AFTER THE DATE  
18 THE FEES ARE RECEIVED.

19 (G) USE OF FUNDS BY COUNTIES AND MUNICIPALITIES.--A COUNTY  
20 OR MUNICIPALITY RECEIVING FEES UNDER THIS SECTION SHALL MAKE USE  
21 OF THE FEES RECEIVED ONLY FOR THE FOLLOWING PURPOSES ASSOCIATED  
22 WITH UNCONVENTIONAL NATURAL GAS PRODUCTION WITHIN THE COUNTY OR  
23 MUNICIPALITY:

24 (1) CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND REPAIR  
25 OF ROADWAYS, BRIDGES AND PUBLIC INFRASTRUCTURE.

26 (2) WATER, STORM WATER AND SEWER SYSTEMS, INCLUDING  
27 CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND REPAIR.

28 (3) EMERGENCY PREPAREDNESS AND RESPONSE, INCLUDING  
29 POLICE, FIRE, HAZARDOUS MATERIAL RESPONSE, 911, EQUIPMENT  
30 ACQUISITION, RESPONDER RECRUITMENT AND OTHER SERVICES.

1           (4) PRESERVATION AND RECLAMATION OF SURFACE AND  
2           SUBSURFACE WATERS AND WATER SUPPLIES, INCLUDING DRINKING  
3           WATER MONITORING AND TESTING.

4           (5) RECORDS MANAGEMENT, GEOGRAPHIC INFORMATION SYSTEMS  
5           AND INFORMATION TECHNOLOGY.

6           (6) PROJECTS THAT INCREASE THE AVAILABILITY OF  
7           AFFORDABLE HOUSING, EITHER FOR SALE OR RENTAL, TO RESIDENTS  
8           WHOSE ANNUAL INCOME IS LESS THAN THE AREA MEDIAN INCOME.

9           (7) DELIVERY OF SOCIAL SERVICES, INCLUDING DOMESTIC  
10           RELATIONS, DRUG AND ALCOHOL TREATMENT, JOB TRAINING AND  
11           COUNSELING.

12           (8) ASSISTANCE TO THE COUNTY CONSERVATION DISTRICT FOR  
13           INSPECTION, OVERSIGHT AND ENFORCEMENT OF UNCONVENTIONAL  
14           NATURAL GAS DEVELOPMENT.

15           (9) COUNTY OR MUNICIPAL PLANNING.

16           (10) LOCAL TAX REDUCTION.

17           (11) CAREER AND TECHNICAL CENTERS FOR TRAINING OF  
18           WORKERS IN THE OIL AND GAS INDUSTRY.

19   § 3509. CALCULATION OF PAYMENTS.

20   (A) GENERAL RULE.--THE COUNTY TREASURER OF A COUNTY THAT  
21   IMPOSES AND COLLECTS THE UNCONVENTIONAL GAS WELL IMPACT FEE  
22   SHALL CERTIFY THE NUMBER OF ALL UNCONVENTIONAL GAS WELLS LOCATED  
23   WITHIN EACH MUNICIPALITY OF THE COUNTY BASED UPON THE  
24   APPROPRIATE REPORTS PROVIDED BY THE DEPARTMENT.

25   (B) PAYMENTS TO MUNICIPALITIES.--THE COUNTY TREASURER OF A  
26   COUNTY THAT IMPOSES AND COLLECTS THE UNCONVENTIONAL GAS WELL  
27   IMPACT FEE SHALL PAY TO MUNICIPALITIES THE AMOUNTS REQUIRED  
28   UNDER THIS SUBCHAPTER.

29   § 3510. RECORDKEEPING AND STATE REPORTING.

30   (A) GENERAL RULE.--COMMENCING IN CALENDAR YEAR 2013 AND

1 EACH YEAR THEREAFTER, BEFORE DECEMBER 1, EACH COUNTY THAT  
2 IMPOSES AND COLLECTS THE UNCONVENTIONAL GAS WELL IMPACT FEE  
3 AUTHORIZED BY THIS SUBCHAPTER SHALL PREPARE AND DELIVER A REPORT  
4 TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE  
5 OF REPRESENTATIVES DETAILING THE EXPENDITURE OF THE FUNDS  
6 COLLECTED UNDER THIS SUBCHAPTER.

7 (B) AUDIT.--THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
8 DEVELOPMENT MAY AUDIT A COUNTY'S AND MUNICIPALITY'S EXPENDITURE  
9 OF THE FUNDS.

10 (C) AVAILABILITY OF RECORDS.--A COUNTY AND MUNICIPALITY THAT  
11 RECEIVES THE FUNDS SHALL MAKE ITS FINANCIAL RECORDS AND OTHER  
12 DOCUMENTS RELATING TO ITS EXPENDITURE OF THE FUNDS AVAILABLE TO  
13 THE DEPARTMENT.

14 (D) TIME.--REPORTS SHALL BE PREPARED NO LATER THAN JUNE 30  
15 OF THE YEAR FOLLOWING THE INITIAL RECEIPT OF ANY FEES  
16 DISTRIBUTED UNDER THIS SECTION AND EACH JUNE 30 THEREAFTER.

17 (E) LOCATION.--REPORTS SHALL BE PUBLISHED ON THE COUNTY OR  
18 MUNICIPALITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE. IF A  
19 MUNICIPALITY DOES NOT MAINTAIN A PUBLICLY ACCESSIBLE INTERNET  
20 WEBSITE, THE MUNICIPALITY SHALL PROVIDE ITS REPORT TO THE  
21 COUNTY, WHICH SHALL PUBLISH THE MUNICIPALITY'S REPORT ON THE  
22 COUNTY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

23 § 3511. EXPIRATION.

24 (A) NOTICE.--THE SECRETARY OF THE COMMONWEALTH SHALL, UPON  
25 THE EFFECTIVE DATE OF AN ACT AUTHORIZING A SEVERANCE TAX ON EACH  
26 UNCONVENTIONAL GAS WELL PRODUCING GAS IN THIS COMMONWEALTH,  
27 SUBMIT FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN NOTICE OF  
28 THAT FACT.

29 (B) DATE.--THIS CHAPTER SHALL EXPIRE ON THE DATE OF THE  
30 PUBLICATION OF THE NOTICE UNDER SUBSECTION (A).





1 § 3201. SCOPE OF CHAPTER.

2 THIS CHAPTER RELATES TO OIL AND GAS.

3 § 3202. DECLARATION OF PURPOSE.

4 THE PURPOSES OF THIS CHAPTER ARE TO:

5 (1) PERMIT OPTIMAL DEVELOPMENT OF OIL AND GAS RESOURCES  
6 OF THIS COMMONWEALTH CONSISTENT WITH PROTECTION OF THE  
7 HEALTH, SAFETY, ENVIRONMENT AND PROPERTY OF PENNSYLVANIA  
8 CITIZENS.

9 (2) PROTECT THE SAFETY OF PERSONNEL AND FACILITIES  
10 EMPLOYED IN COAL MINING OR EXPLORATION, DEVELOPMENT, STORAGE  
11 AND PRODUCTION OF NATURAL GAS OR OIL.

12 (3) PROTECT THE SAFETY AND PROPERTY RIGHTS OF PERSONS  
13 RESIDING IN AREAS WHERE MINING, EXPLORATION, DEVELOPMENT,  
14 STORAGE OR PRODUCTION OCCURS.

15 (4) PROTECT THE NATURAL RESOURCES, ENVIRONMENTAL RIGHTS  
16 AND VALUES SECURED BY THE CONSTITUTION OF PENNSYLVANIA.

17 § 3203. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "ABANDONED WELL." ANY OF THE FOLLOWING:

22 (1) A WELL:

23 (I) THAT HAS NOT BEEN USED TO PRODUCE, EXTRACT OR  
24 INJECT ANY GAS, PETROLEUM OR OTHER LIQUID WITHIN THE  
25 PRECEDING 12 MONTHS;

26 (II) FOR WHICH EQUIPMENT NECESSARY FOR PRODUCTION,  
27 EXTRACTION OR INJECTION HAS BEEN REMOVED; OR

28 (III) CONSIDERED DRY AND NOT EQUIPPED FOR PRODUCTION  
29 WITHIN 60 DAYS AFTER DRILLING, REDRILLING OR DEEPENING.

30 (2) THE TERM DOES NOT INCLUDE WELLS GRANTED INACTIVE

1        STATUS.

2        "ALTERATION." AN OPERATION WHICH CHANGES THE PHYSICAL  
3 CHARACTERISTICS OF A WELL BORE, INCLUDING STIMULATION OR  
4 REMOVING, REPAIRING OR CHANGING THE CASING. FOR THE PURPOSE OF  
5 THIS CHAPTER ONLY, THE TERM DOES NOT INCLUDE:

6            (1) REPAIRING OR REPLACING OF THE CASING IF THE ACTIVITY  
7 DOES NOT AFFECT THE DEPTH OR DIAMETER OF THE WELL BORE, THE  
8 USE OR PURPOSE OF THE WELL DOES NOT CHANGE AND THE ACTIVITY  
9 COMPLIES WITH REGULATIONS PROMULGATED UNDER THIS CHAPTER,  
10 EXCEPT THAT THIS EXCLUSION DOES NOT APPLY:

11            (I) TO PRODUCTION CASINGS IN COAL AREAS WHEN THE  
12 PRODUCTION CASINGS ARE ALSO THE COAL PROTECTION CASINGS;  
13 OR

14            (II) WHEN THE METHOD OF REPAIRING OR REPLACING THE  
15 CASING WOULD AFFECT THE COAL PROTECTION CASING.

16            (2) STIMULATION OF A WELL.

17        "BOARD." THE OIL AND GAS TECHNICAL ADVISORY BOARD.

18        "BRIDGE." AN OBSTRUCTION PLACED IN A WELL AT ANY DEPTH.

19        "BUILDING." AN OCCUPIED STRUCTURE WITH WALLS AND ROOF WITHIN  
20 WHICH PERSONS LIVE OR CUSTOMARILY WORK.

21        "CASING." A STRING OR STRINGS OF PIPE COMMONLY PLACED IN  
22 WELLS DRILLED FOR NATURAL GAS OR PETROLEUM.

23        "CEMENT" OR "CEMENT GROUT." ANY OF THE FOLLOWING:

24            (1) HYDRAULIC CEMENT PROPERLY MIXED WITH WATER ONLY.

25            (2) A MIXTURE OF MATERIALS ADEQUATE FOR BONDING OR  
26 SEALING OF WELL BORES AS APPROVED BY REGULATIONS PROMULGATED  
27 UNDER THIS CHAPTER.

28        "COAL MINE." ANY OF THE FOLLOWING:

29            (1) OPERATIONS IN A COAL SEAM, INCLUDING EXCAVATED  
30 PORTIONS, ABANDONED PORTIONS AND PLACES ACTUALLY BEING

1 WORKED.

2 (2) UNDERGROUND WORKINGS AND SHAFTS, SLOPES, TUNNELS AND  
3 OTHER WAYS AND OPENINGS, INCLUDING THOSE WHICH ARE IN THE  
4 COURSE OF BEING SUNK OR DRIVEN, ALONG WITH ALL ROADS AND  
5 FACILITIES CONNECTED WITH THEM BELOW THE SURFACE.

6 "COAL OPERATOR." A PERSON THAT OPERATES OR PROPOSES TO  
7 OPERATE A COAL MINE AS AN OWNER OR LESSEE.

8 "COMPLETION OF A WELL." THE DATE AFTER TREATMENT, IF ANY,  
9 THAT THE WELL IS PROPERLY EQUIPPED FOR PRODUCTION OF OIL OR GAS,  
10 OR, IF THE WELL IS DRY, THE DATE THAT THE WELL IS ABANDONED.

11 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF  
12 THE COMMONWEALTH.

13 "DRILLING." THE DRILLING OR REDRILLING OF A WELL OR THE  
14 DEEPENING OF AN EXISTING WELL.

15 "ENVIRONMENTAL LAW." ANY OF THE FOLLOWING:

16 (1) A FEDERAL STATUTE PERTAINING TO OIL AND GAS  
17 OPERATIONS, PUBLIC HEALTH, SAFETY, NATURAL RESOURCES OR THE  
18 ENVIRONMENT.

19 (2) A FEDERAL REGULATION, RULE, ADMINISTRATIVE ORDER OR  
20 AGENCY INTERPRETATION OR GUIDANCE PERTAINING TO OIL AND GAS  
21 OPERATIONS, PUBLIC HEALTH, SAFETY, NATURAL RESOURCES OR THE  
22 ENVIRONMENT.

23 (3) A FEDERAL JUDICIAL DECISION PERTAINING TO OIL AND  
24 GAS OPERATIONS, PUBLIC HEALTH, SAFETY, NATURAL RESOURCES OR  
25 THE ENVIRONMENT.

26 (4) A COMMONWEALTH STATUTE PERTAINING TO OIL AND GAS  
27 OPERATIONS, PUBLIC HEALTH, SAFETY, NATURAL RESOURCES OR THE  
28 ENVIRONMENT. THE TERM INCLUDES ANY OF THE FOLLOWING:

29 (I) THE ACT OF JUNE 22, 1937 (P.L.1987, NO.394),  
30 KNOWN AS THE CLEAN STREAMS LAW.

1           (II) THE ACT OF JANUARY 8, 1960 (1959 P.L.2119,  
2 NO.787), KNOWN AS THE AIR POLLUTION CONTROL ACT.

3           (III) THE ACT OF JULY 7, 1961 (P.L.518, NO.268),  
4 KNOWN AS THE DELAWARE RIVER BASIN COMPACT.

5           (IV) THE ACT OF JULY 25, 1961 (P.L.825, NO.359),  
6 KNOWN AS THE OIL AND GAS CONSERVATION LAW.

7           (V) THE ACT OF JULY 17, 1968 (P.L.368, NO.181),  
8 REFERRED TO AS THE SUSQUEHANNA RIVER BASIN COMPACT LAW.

9           (VI) THE ACT OF OCTOBER 4, 1978 (P.L.864, NO.167),  
10 KNOWN AS THE STORM WATER MANAGEMENT ACT.

11           (VII) THE ACT OF NOVEMBER 26, 1978 (P.L.1375,  
12 NO.325), KNOWN AS THE DAM SAFETY AND ENCROACHMENTS ACT.

13           (VIII) THE ACT OF JULY 7, 1980 (P.L.380, NO.97),  
14 KNOWN AS THE SOLID WASTE MANAGEMENT ACT.

15           (IX) THE ACT OF JUNE 23, 1982 (P.L.597, NO.170),  
16 KNOWN AS THE WILD RESOURCE CONSERVATION ACT.

17           (X) THE ACT OF MAY 1, 1984 (P.L.206, NO.43), KNOWN  
18 AS THE PENNSYLVANIA SAFE DRINKING WATER ACT.

19           (XI) THE ACT OF JULY 10, 1984 (P.L.688, NO.147),  
20 KNOWN AS THE RADIATION PROTECTION ACT.

21           (XII) THE ACT OF OCTOBER 5, 1984 (P.L.734, NO.159),  
22 KNOWN AS THE WORKER AND COMMUNITY RIGHT-TO-KNOW ACT.

23           (XIII) THE ACT OF DECEMBER 18, 1984 (P.L.1069,  
24 NO.214), KNOWN AS THE COAL AND GAS RESOURCE COORDINATION  
25 ACT.

26           (XIV) THE ACT OF DECEMBER 19, 1984 (P.L.1093,  
27 NO.219), KNOWN AS THE NONCOAL SURFACE MINING CONSERVATION  
28 AND RECLAMATION ACT.

29           (XV) THE ACT OF OCTOBER 18, 1988 (P.L.756, NO.108),  
30 KNOWN AS THE HAZARDOUS SITES CLEANUP ACT.

1           (XVI) THE ACT OF JULY 6, 1989 (P.L.169, NO.32),  
2           KNOWN AS THE STORAGE TANK AND SPILL PREVENTION ACT.

3           (XVII) THE ACT OF DECEMBER 7, 1990 (P.L.639,  
4           NO.165), KNOWN AS THE HAZARDOUS MATERIAL EMERGENCY  
5           PLANNING AND RESPONSE ACT.

6           (XVIII) THE ACT OF MAY 19, 1995 (P.L.4, NO.2), KNOWN  
7           AS THE LAND RECYCLING AND ENVIRONMENTAL REMEDIATION  
8           STANDARDS ACT.

9           (XIX) THE ACT OF JULY 4, 2008 (P.L.526, NO.43),  
10          KNOWN AS THE GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER  
11          RESOURCES COMPACT.

12          (XX) THE PROVISIONS OF 27 PA.C.S. CH. 31 (RELATING  
13          TO WATER RESOURCES PLANNING)

14          (XXI) THE PROVISIONS OF 27 PA.C.S. CH. 41 (RELATING  
15          TO ENVIRONMENTAL LABORATORY ACCREDITATION).

16          (XXII) THE PROVISIONS OF 27 PA.C.S. CH. 62 (RELATING  
17          TO WASTE TRANSPORTATION SAFETY).

18          (XXIII) THE PROVISIONS OF 30 PA.C.S. (RELATING TO  
19          FISH).

20          (XXIV) THE PROVISIONS OF 34 PA.C.S. (RELATING TO  
21          GAME).

22          (5) A REGULATION, RULE, ADMINISTRATIVE ORDER OR AGENCY  
23          INTERPRETATION OR GUIDANCE OF A COMMONWEALTH AGENCY  
24          PERTAINING TO OIL AND GAS OPERATIONS, PUBLIC HEALTH, SAFETY,  
25          NATURAL RESOURCES OR THE ENVIRONMENT.

26          (6) A DECISION OF A COURT OF THIS COMMONWEALTH  
27          PERTAINING TO OIL AND GAS OPERATIONS, PUBLIC HEALTH, SAFETY,  
28          NATURAL RESOURCES OR THE ENVIRONMENT.

29          "FRESH GROUNDWATER." WATER IN THAT PORTION OF THE GENERALLY  
30          RECOGNIZED HYDROLOGIC CYCLE WHICH OCCUPIES THE PORE SPACES AND

1 FRACTURES OF SATURATED SUBSURFACE MATERIALS.

2 "GAS." ANY OF THE FOLLOWING:

3 (1) A FLUID, COMBUSTIBLE OR NONCOMBUSTIBLE, WHICH IS  
4 PRODUCED IN A NATURAL STATE FROM THE EARTH AND MAINTAINS A  
5 GASEOUS OR RARIFIED STATE AT STANDARD TEMPERATURE OF 60  
6 DEGREES FAHRENHEIT AND PRESSURE 14.7 PSIA.

7 (2) ANY MANUFACTURED GAS, BYPRODUCT GAS OR MIXTURE OF  
8 GASES OR NATURAL GAS LIQUIDS.

9 "INACTIVATE." TO SHUT OFF THE VERTICAL MOVEMENT OF GAS IN A  
10 GAS STORAGE WELL BY MEANS OF A TEMPORARY PLUG OR OTHER SUITABLE  
11 DEVICE OR BY INJECTING BENTONITIC MUD OR OTHER EQUALLY NONPOROUS  
12 MATERIAL INTO THE WELL.

13 "LINEAR FOOT." A UNIT OF MEASUREMENT IN A STRAIGHT LINE ON A  
14 HORIZONTAL PLANE.

15 "OIL." HYDROCARBONS IN LIQUID FORM AT STANDARD TEMPERATURE  
16 OF 60 DEGREES FAHRENHEIT AND PRESSURE 14.7 PSIA, ALSO REFERRED  
17 TO AS PETROLEUM.

18 "OIL AND GAS OPERATIONS." ANY OF THE FOLLOWING:

19 (1) EXPLORATION FOR OIL AND GAS. THIS PARAGRAPH INCLUDES  
20 THE CONDUCT OF SEISMIC OPERATIONS.

21 (2) SITING AND LOCATING OF OIL AND GAS WELLS.

22 (3) DRILLING, STIMULATION AND COMPLETION OF OIL AND GAS  
23 WELLS.

24 (4) GENERATION, PROCESSING, TREATMENT, STORAGE,  
25 TRANSPORTATION AND DISPOSAL OF FRESH WATER, WASTEWATER,  
26 WASTES, CHEMICALS AND OTHER MATERIALS DIRECTLY ASSOCIATED  
27 WITH DRILLING, STIMULATION AND COMPLETION OF OIL AND GAS  
28 WELLS.

29 (5) PRODUCTION, GATHERING AND COLLECTION OF OIL OR GAS.

30 (6) COMPRESSION, TRANSPORTATION, PROCESSING, MEASUREMENT

1 AND STORAGE OF OIL OR GAS.

2 (7) RECLAMATION ACTIVITIES.

3 (8) CONSTRUCTION AND USE OF DRILLING RIGS AND PIPELINES.

4 THIS PARAGRAPH INCLUDES EQUIPMENT DIRECTLY RELATED TO THE  
5 ACTIVITIES SET FORTH IN THIS PARAGRAPH.

6 (9) CONSTRUCTION AND USE OF ACCESS ROADS, WELL SITES,  
7 DRILLING PADS, IMPOUNDMENTS, COMPRESSION STATIONS, PROCESSING  
8 STATIONS, METER STATIONS AND STORAGE TANKS. THIS PARAGRAPH  
9 INCLUDES BUILDINGS, FACILITIES OR STRUCTURES, WHICH ARE  
10 DIRECTLY RELATED TO THE ACTIVITIES SET FORTH IN THIS  
11 PARAGRAPH. THIS PARAGRAPH DOES NOT INCLUDE ANCILLARY SUPPORT,  
12 SUPPLY AND SERVICE FACILITIES, THE LOCATION OF WHICH IS NOT  
13 DEPENDENT ON THE LOCATION OF SPECIFIC WELLS OR PIPELINES.

14 "OPERATING COAL MINE." ANY OF THE FOLLOWING:

15 (1) AN UNDERGROUND COAL MINE WHICH IS PRODUCING COAL OR  
16 HAS BEEN IN PRODUCTION OF COAL AT ANY TIME DURING THE 12  
17 MONTHS IMMEDIATELY PRECEDING THE DATE ITS STATUS IS PUT IN  
18 QUESTION, INCLUDING CONTIGUOUS WORKED-OUT OR ABANDONED COAL  
19 MINES TO WHICH IT IS CONNECTED UNDERGROUND.

20 (2) AN UNDERGROUND COAL MINE TO BE ESTABLISHED OR  
21 REESTABLISHED UNDER PARAGRAPH (1).

22 "OPERATING WELL." A WELL THAT IS NOT PLUGGED AND ABANDONED.

23 "ORPHAN WELL." A WELL ABANDONED PRIOR TO APRIL 18, 1985,  
24 THAT HAS NOT BEEN AFFECTED OR OPERATED BY THE PRESENT OWNER OR  
25 OPERATOR AND FROM WHICH THE PRESENT OWNER, OPERATOR OR LESSEE  
26 HAS RECEIVED NO ECONOMIC BENEFIT OTHER THAN AS A LANDOWNER OR  
27 RECIPIENT OF A ROYALTY INTEREST FROM THE WELL.

28 "OUTSIDE COAL BOUNDARIES." WHEN USED IN CONJUNCTION WITH THE  
29 TERM "OPERATING COAL MINE," THE BOUNDARIES OF THE COAL ACREAGE  
30 ASSIGNED TO THE COAL MINE UNDER AN UNDERGROUND MINE PERMIT

1 ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

2 "OWNER." A PERSON WHO OWNS, MANAGES, LEASES, CONTROLS OR  
3 POSSESSES A WELL OR COAL PROPERTY. THE TERM DOES NOT APPLY TO  
4 ORPHAN WELLS, EXCEPT WHERE THE DEPARTMENT OF ENVIRONMENTAL  
5 PROTECTION DETERMINES A PRIOR OWNER OR OPERATOR BENEFITED FROM  
6 THE WELL AS PROVIDED IN SECTION 3220 (A) (RELATING TO PLUGGING  
7 REQUIREMENTS).

8 "PERSON." AN INDIVIDUAL, ASSOCIATION, PARTNERSHIP,  
9 CORPORATION, POLITICAL SUBDIVISION OR AGENCY OF THE FEDERAL  
10 GOVERNMENT, STATE GOVERNMENT OR OTHER LEGAL ENTITY.

11 "PETROLEUM." HYDROCARBONS IN LIQUID FORM AT STANDARD  
12 TEMPERATURE OF 60 DEGREES FAHRENHEIT AND PRESSURE 14.7 PSIA,  
13 ALSO REFERRED TO AS OIL.

14 "PILLAR." A SOLID BLOCK OF COAL SURROUNDED BY EITHER ACTIVE  
15 MINE WORKINGS OR A MINED-OUT AREA.

16 "PLAT." A MAP, DRAWING OR PRINT ACCURATELY DRAWN TO SCALE  
17 SHOWING THE PROPOSED OR EXISTING LOCATION OF A WELL OR WELLS.

18 "RESERVOIR PROTECTIVE AREA." THE AREA SURROUNDING A STORAGE  
19 RESERVOIR BOUNDARY, BUT WITHIN 2,000 LINEAR FEET OF THE STORAGE  
20 RESERVOIR BOUNDARY, UNLESS AN ALTERNATE AREA HAS BEEN DESIGNATED  
21 BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, WHICH IS DEEMED  
22 REASONABLY NECESSARY TO AFFORD PROTECTION TO THE RESERVOIR,  
23 UNDER A CONFERENCE HELD IN ACCORDANCE WITH SECTION 3251  
24 (RELATING TO CONFERENCES).

25 "RETREAT MINING." REMOVAL OF COAL PILLARS, RIBS AND STUMPS  
26 REMAINING AFTER DEVELOPMENT MINING HAS BEEN COMPLETED IN THAT  
27 SECTION OF A COAL MINE.

28 "SECRETARY." THE SECRETARY OF ENVIRONMENTAL PROTECTION OF  
29 THE COMMONWEALTH.

30 "STORAGE OPERATOR." A PERSON WHO OPERATES OR PROPOSES TO



1 OPERATE A STORAGE RESERVOIR AS AN OWNER OR LESSEE.

2 "STORAGE RESERVOIR." THAT PORTION OF A SUBSURFACE GEOLOGICAL  
3 STRATUM INTO WHICH GAS IS OR MAY BE INJECTED FOR STORAGE  
4 PURPOSES OR TO TEST SUITABILITY OF THE STRATUM FOR STORAGE.

5 "UNCONVENTIONAL WELL." A BORE HOLE DRILLED OR BEING DRILLED  
6 FOR THE PURPOSE OF OR TO BE USED FOR PRODUCING OIL OR GAS FROM A  
7 GEOLOGICAL SHALE FORMATION EXISTING BELOW THE BASE OF THE ELK  
8 SANDSTONE OR ITS GEOLOGIC EQUIVALENT STRATIGRAPHIC INTERVAL  
9 WHERE OIL OR GAS GENERALLY CANNOT BE PRODUCED AT ECONOMIC FLOW  
10 RATES OR IN ECONOMIC VOLUMES EXCEPT BY ONE OF THE FOLLOWING:

11 (1) VERTICAL OR HORIZONTAL WELL BORES STIMULATED BY  
12 HYDRAULIC FRACTURE TREATMENTS.

13 (2) USING MULTILATERAL WELL BORES OR OTHER TECHNIQUES TO  
14 EXPOSE MORE OF THE FORMATION OF THE WELL BORE.

15 "WATER MANAGEMENT PLAN." A PLAN ASSOCIATED WITH DRILLING OR  
16 COMPLETING A WELL IN AN UNCONVENTIONAL FORMATION THAT  
17 DEMONSTRATES THAT THE WITHDRAWAL AND USE OF WATER SOURCES  
18 PROTECTS THOSE SOURCES AS REQUIRED BY LAW AND PROTECTS PUBLIC  
19 HEALTH, SAFETY AND WELFARE.

20 "WATER PURVEYOR." ANY OF THE FOLLOWING:

21 (1) THE OWNER OR OPERATOR OF A PUBLIC WATER SYSTEM AS  
22 DEFINED IN SECTION 3 OF THE ACT OF MAY 1, 1984 (P.L.206,  
23 NO.43), KNOWN AS THE PENNSYLVANIA SAFE DRINKING WATER ACT.

24 (2) ANY PERSON SUBJECT TO THE ACT OF JUNE 24, 1939  
25 (P.L.842, NO.365), REFERRED TO AS THE WATER RIGHTS LAW.

26 "WATER SOURCE."

27 (1) ANY OF THE FOLLOWING:

28 (I) WATERS OF THIS COMMONWEALTH.

29 (II) A SOURCE OF WATER SUPPLY USED BY A WATER  
30 PURVEYOR.

1           (III) MINE POOLS AND DISCHARGES.

2           (IV) ANY OTHER WATERS THAT ARE USED FOR DRILLING OR  
3 COMPLETING A WELL IN AN UNCONVENTIONAL FORMATION.

4           (2) THE TERM DOES NOT INCLUDE FLOWBACK OR PRODUCTION  
5 WATERS OR OTHER FLUIDS:

6           (I) WHICH ARE USED FOR DRILLING OR COMPLETING A WELL  
7 IN AN UNCONVENTIONAL FORMATION; AND

8           (II) WHICH DO NOT DISCHARGE INTO WATERS OF THIS  
9 COMMONWEALTH.

10 "WELL." A BORE HOLE DRILLED OR BEING DRILLED FOR THE PURPOSE  
11 OF, OR TO BE USED FOR, PRODUCING, EXTRACTING OR INJECTING GAS,  
12 PETROLEUM OR ANOTHER LIQUID RELATED TO OIL OR GAS PRODUCTION OR  
13 STORAGE, INCLUDING BRINE DISPOSAL, BUT EXCLUDING A BORE HOLE  
14 DRILLED TO PRODUCE POTABLE WATER. THE TERM DOES NOT INCLUDE A  
15 BORE HOLE DRILLED OR BEING DRILLED FOR THE PURPOSE OF, OR TO BE  
16 USED FOR:

17           (1) SYSTEMS OF MONITORING, PRODUCING OR EXTRACTING GAS  
18 FROM SOLID WASTE DISPOSAL FACILITIES, IF THE BORE HOLE IS A  
19 WELL SUBJECT TO THE ACT OF JULY 7, 1980 (P.L.380, NO.97),  
20 KNOWN AS THE SOLID WASTE MANAGEMENT ACT, WHICH DOES NOT  
21 PENETRATE A WORKABLE COAL SEAM.

22           (2) DEGASIFYING COAL SEAMS, IF THE BORE HOLE IS:

23           (I) USED TO VENT METHANE TO THE OUTSIDE ATMOSPHERE  
24 FROM AN OPERATING COAL MINE; REGULATED AS PART OF THE  
25 MINING PERMIT UNDER THE ACT OF JUNE 22, 1937 (P.L.1987,  
26 NO.394), KNOWN AS THE CLEAN STREAMS LAW, AND THE ACT OF  
27 MAY 31, 1945 (P.L.1198, NO.418), KNOWN AS THE SURFACE  
28 MINING CONSERVATION AND RECLAMATION ACT; AND DRILLED BY  
29 THE OPERATOR OF THE OPERATING COAL MINE FOR THE PURPOSE  
30 OF INCREASED SAFETY; OR

1           (II) USED TO VENT METHANE TO THE OUTSIDE ATMOSPHERE  
2           UNDER A FEDERALLY FUNDED OR STATE-FUNDED ABANDONED MINE  
3           RECLAMATION PROJECT.

4           "WELL CONTROL EMERGENCY." AN INCIDENT DURING DRILLING,  
5           OPERATION, WORKOVER OR COMPLETION THAT, AS DETERMINED BY THE  
6           DEPARTMENT, POSES A THREAT TO PUBLIC HEALTH, WELFARE OR SAFETY,  
7           INCLUDING A LOSS OF CIRCULATION FLUIDS, KICK, CASING FAILURE,  
8           BLOWOUT, FIRE AND EXPLOSION.

9           "WELL CONTROL SPECIALIST." ANY PERSON TRAINED TO RESPOND TO  
10          A WELL CONTROL EMERGENCY WITH A CURRENT CERTIFICATION FROM A  
11          WELL CONTROL COURSE ACCREDITED BY THE INTERNATIONAL ASSOCIATION  
12          OF DRILLING CONTRACTORS OR OTHER ORGANIZATION APPROVED BY THE  
13          DEPARTMENT.

14          "WELL OPERATOR" OR "OPERATOR." ANY OF THE FOLLOWING:

15            (1) THE PERSON DESIGNATED AS OPERATOR OR WELL OPERATOR  
16            ON THE PERMIT APPLICATION OR WELL REGISTRATION.

17            (2) IF A PERMIT OR WELL REGISTRATION WAS NOT ISSUED, A  
18            PERSON WHO LOCATES, DRILLS, OPERATES, ALTERS OR PLUGS A WELL  
19            OR RECONDITIONS A WELL WITH THE PURPOSE OF PRODUCTION FROM  
20            THE WELL.

21            (3) IF A WELL IS USED IN CONNECTION WITH UNDERGROUND  
22            STORAGE OF GAS, A STORAGE OPERATOR.

23          "WETLAND." AREAS INUNDATED OR SATURATED BY SURFACE OR  
24          GROUNDWATER AT A FREQUENCY AND DURATION SUFFICIENT TO SUPPORT,  
25          AND WHICH NORMALLY SUPPORT, A PREVALENCE OF VEGETATION TYPICALLY  
26          ADAPTED FOR LIFE IN SATURATED SOIL CONDITIONS, INCLUDING SWAMPS,  
27          MARSHES, BOGS AND SIMILAR AREAS.

28          "WORKABLE COAL SEAMS." A COAL SEAM WHICH:

29            (1) IS ACTUALLY BEING MINED IN THE AREA IN QUESTION  
30            UNDER THIS CHAPTER BY UNDERGROUND METHODS; OR



1 UNDER SUBSECTIONS (B), (C), (D) AND (E), OR OPERATE AN ABANDONED  
2 OR ORPHAN WELL UNLESS IN COMPLIANCE WITH SUBSECTION (L). A COPY  
3 OF THE PERMIT SHALL BE KEPT AT THE WELL SITE DURING DRILLING OR  
4 ALTERATION OF THE WELL. NO PERSON SHALL BE REQUIRED TO OBTAIN A  
5 PERMIT TO REDRILL A NONPRODUCING WELL IF THE REDRILLING:

6 (1) HAS BEEN EVALUATED AND APPROVED AS PART OF AN ORDER  
7 FROM THE DEPARTMENT AUTHORIZING CLEANING OUT AND PLUGGING OR  
8 REPLUGGING A NONPRODUCING WELL UNDER SECTION 13(C) OF THE ACT  
9 OF DECEMBER 18, 1984 (P.L.1069, NO.214), KNOWN AS THE COAL  
10 AND GAS RESOURCE COORDINATION ACT; AND

11 (2) IS INCIDENTAL TO A PLUGGING OR REPLUGGING OPERATION  
12 AND THE WELL IS PLUGGED WITHIN 15 DAYS OF REDRILLING.

13 (B) PLAT.--

14 (1) THE PERMIT APPLICATION SHALL BE ACCOMPANIED BY A  
15 PLAT PREPARED BY A COMPETENT ENGINEER OR A COMPETENT  
16 SURVEYOR, ON FORMS FURNISHED BY THE DEPARTMENT, SHOWING THE  
17 POLITICAL SUBDIVISION AND COUNTY IN WHICH THE TRACT OF LAND  
18 UPON WHICH THE WELL TO BE DRILLED IS LOCATED; A LIST OF  
19 MUNICIPALITIES ADJACENT TO THE WELL SITE; THE NAME OF THE  
20 SURFACE LANDOWNER OF RECORD AND LESSOR; THE NAME OF ALL  
21 SURFACE LANDOWNERS AND WATER PURVEYORS WHOSE WATER SUPPLIES  
22 ARE WITHIN 1,000 FEET OF THE PROPOSED WELL LOCATION OR, IN  
23 THE CASE OF AN UNCONVENTIONAL WELL, WITHIN 2,500 FEET OF THE  
24 PROPOSED WELL LOCATION; THE NAME OF THE OWNER OF RECORD OR  
25 OPERATOR OF ALL KNOWN UNDERLYING WORKABLE COAL SEAMS; THE  
26 ACREAGE IN THE TRACT TO BE DRILLED; THE PROPOSED LOCATION OF  
27 THE WELL DETERMINED BY SURVEY, COURSES AND DISTANCES OF THE  
28 LOCATION FROM TWO OR MORE PERMANENT IDENTIFIABLE POINTS OR  
29 LANDMARKS ON THE TRACT BOUNDARY CORNERS; THE PROPOSED ANGLE  
30 AND DIRECTION OF THE WELL IF THE WELL IS TO BE DEVIATED

1 SUBSTANTIALLY FROM A VERTICAL COURSE; THE NUMBER OR OTHER  
2 IDENTIFICATION TO BE GIVEN THE WELL; THE WORKABLE COAL SEAMS  
3 UNDERLYING THE TRACT OF LAND UPON WHICH THE WELL IS TO BE  
4 DRILLED OR ALTERED AND WHICH SHALL BE CASED OFF UNDER SECTION  
5 3217 (RELATING TO PROTECTION OF FRESH GROUNDWATER AND CASING  
6 REQUIREMENTS); AND ANY OTHER INFORMATION NEEDED BY THE  
7 DEPARTMENT TO ADMINISTER THIS CHAPTER.

8 (2) NO LATER THAN 30 DAYS PRIOR TO SUBMITTING THE  
9 APPLICATION REQUIRED IN SUBSECTION (A), THE APPLICANT SHALL  
10 FORWARD BY CERTIFIED MAIL A COPY OF THE PLAT TO THE SURFACE  
11 LANDOWNER; THE MUNICIPALITY IN WHICH THE TRACT OF LAND UPON  
12 WHICH THE WELL TO BE DRILLED IS LOCATED; THE MUNICIPALITIES  
13 ADJACENT TO THE WELL; ALL SURFACE LANDOWNERS AND WATER  
14 PURVEYORS, WHOSE WATER SUPPLIES ARE WITHIN 1,000 FEET OF THE  
15 PROPOSED WELL LOCATION OR, IN THE CASE OF AN UNCONVENTIONAL  
16 WELL, WITHIN 2,500 FEET OF THE PROPOSED WELL LOCATION; THE  
17 OWNER AND LESSEE OF ANY COAL SEAMS; AND EACH COAL OPERATOR  
18 REQUIRED TO BE IDENTIFIED ON THE WELL PERMIT APPLICATION.

19 (B.1) NOTIFICATION.--THE APPLICANT SHALL SUBMIT PROOF OF  
20 NOTIFICATION WITH THE WELL PERMIT APPLICATION. NOTIFICATION OF  
21 SURFACE OWNERS SHALL BE PERFORMED BY SENDING NOTICE TO THOSE  
22 PERSONS TO WHOM THE TAX NOTICES FOR THE SURFACE PROPERTY ARE  
23 SENT, AS INDICATED IN THE ASSESSMENT BOOKS IN THE COUNTY IN  
24 WHICH THE PROPERTY IS LOCATED. NOTIFICATION OF SURFACE  
25 LANDOWNERS OR WATER PURVEYORS WHOSE WATER SUPPLIES ARE WITHIN  
26 1,000 FEET OF THE PROPOSED WELL LOCATION SHALL BE ON FORMS, AND  
27 IN A MANNER PRESCRIBED BY THE DEPARTMENT, SUFFICIENT TO IDENTIFY  
28 THE RIGHTS AFFORDED THOSE PERSONS UNDER SECTION 3218 (RELATING  
29 TO PROTECTION OF WATER SUPPLIES) AND TO ADVISE THEM OF THE  
30 ADVANTAGES OF TAKING THEIR OWN PREDRILLING OR PREALTERATION

1 SURVEY.

2 (B.2) APPROVAL.--IF THE APPLICANT SUBMITS TO THE DEPARTMENT  
3 WRITTEN APPROVAL OF THE PROPOSED WELL LOCATION BY THE SURFACE  
4 LANDOWNER AND THE COAL OPERATOR, LESSEE OR OWNER OF ANY COAL  
5 UNDERLYING THE PROPOSED WELL LOCATION AND NO OBJECTIONS ARE  
6 RAISED BY THE DEPARTMENT WITHIN 15 DAYS OF FILING, OR IF NO  
7 APPROVAL HAS BEEN SUBMITTED AND NO OBJECTIONS ARE MADE TO THE  
8 PROPOSED WELL LOCATION WITHIN 15 DAYS FROM RECEIPT OF NOTICE BY  
9 THE DEPARTMENT, THE SURFACE LANDOWNER OR ANY COAL OPERATOR,  
10 LESSEE OR OWNER, THE WRITTEN APPROVAL SHALL BE FILED AND BECOME  
11 A PERMANENT RECORD OF THE WELL LOCATION, SUBJECT TO INSPECTION  
12 AT ANY TIME BY ANY INTERESTED PERSON.

13 (C) APPLICANTS.--IF THE APPLICANT FOR A WELL PERMIT IS A  
14 CORPORATION, PARTNERSHIP OR PERSON THAT IS NOT A RESIDENT OF  
15 THIS COMMONWEALTH, THE APPLICANT SHALL DESIGNATE THE NAME AND  
16 ADDRESS OF AN AGENT FOR THE OPERATOR WHO SHALL BE THE ATTORNEY-  
17 IN-FACT FOR THE OPERATOR AND WHO SHALL BE A RESIDENT OF THIS  
18 COMMONWEALTH UPON WHOM NOTICES, ORDERS OR OTHER COMMUNICATIONS  
19 ISSUED UNDER THIS CHAPTER MAY BE SERVED AND UPON WHOM PROCESS  
20 MAY BE SERVED. EACH WELL OPERATOR REQUIRED TO DESIGNATE AN AGENT  
21 UNDER THIS SECTION SHALL, WITHIN FIVE DAYS AFTER TERMINATION OF  
22 THE DESIGNATION, NOTIFY THE DEPARTMENT OF THE TERMINATION AND  
23 DESIGNATE A NEW AGENT.

24 (D) PERMIT FEE.--EACH APPLICATION FOR A WELL PERMIT SHALL BE  
25 ACCOMPANIED BY A PERMIT FEE, ESTABLISHED BY REGULATION OF THE  
26 DEPARTMENT, WHICH BEARS A REASONABLE RELATIONSHIP TO THE COST OF  
27 ADMINISTERING THIS CHAPTER.

28 (E) ISSUANCE OF PERMIT.--THE DEPARTMENT SHALL ISSUE A PERMIT  
29 WITHIN 45 DAYS OF SUBMISSION OF A PERMIT APPLICATION UNLESS THE  
30 DEPARTMENT DENIES THE PERMIT APPLICATION FOR ONE OR MORE OF THE

1 REASONS SET FORTH IN SUBSECTION (E.1), EXCEPT THAT THE  
2 DEPARTMENT SHALL HAVE THE RIGHT TO EXTEND THE PERIOD FOR 15 DAYS  
3 FOR CAUSE SHOWN UPON NOTIFICATION TO THE APPLICANT OF THE  
4 REASONS FOR THE EXTENSION. THE DEPARTMENT MAY IMPOSE PERMIT  
5 TERMS AND CONDITIONS NECESSARY TO ASSURE COMPLIANCE WITH THIS  
6 CHAPTER OR OTHER LAWS ADMINISTERED BY THE DEPARTMENT.

7 (E.1) DENIAL OF PERMIT.--THE DEPARTMENT MAY DENY A PERMIT  
8 FOR ANY OF THE FOLLOWING REASONS:

9 (1) THE WELL SITE FOR WHICH A PERMIT IS REQUESTED IS IN  
10 VIOLATION OF ANY OF THIS CHAPTER OR ISSUANCE OF THE PERMIT  
11 WOULD RESULT IN A VIOLATION OF THIS CHAPTER OR OTHER  
12 APPLICABLE LAW.

13 (2) THE PERMIT APPLICATION IS INCOMPLETE.

14 (3) UNRESOLVED OBJECTIONS TO THE WELL LOCATION BY COAL  
15 MINE OWNER OR OPERATOR REMAIN.

16 (4) THE REQUIREMENTS OF SECTION 3225 (RELATING TO  
17 BONDING) HAVE NOT BEEN MET.

18 (5) THE DEPARTMENT FINDS THAT THE APPLICANT, OR ANY  
19 PARENT OR SUBSIDIARY CORPORATION OF THE APPLICANT, IS IN  
20 CONTINUING VIOLATION OF THIS SUBCHAPTER, ANY OTHER STATUTE  
21 ADMINISTERED BY THE DEPARTMENT, ANY RULE OR REGULATION  
22 PROMULGATED UNDER THIS SUBCHAPTER OR A STATUTE ADMINISTERED  
23 BY THE DEPARTMENT OR ANY PLAN APPROVAL, PERMIT OR ORDER OF  
24 THE DEPARTMENT, UNLESS THE VIOLATION IS BEING CORRECTED TO  
25 THE SATISFACTION OF THE DEPARTMENT. THE RIGHT OF THE  
26 DEPARTMENT TO DENY A PERMIT UNDER THIS PARAGRAPH SHALL NOT  
27 TAKE EFFECT UNTIL THE DEPARTMENT HAS TAKEN A FINAL ACTION ON  
28 THE VIOLATIONS AND:

29 (I) THE APPLICANT HAS NOT APPEALED THE FINAL  
30 ACTION IN ACCORDANCE WITH THE ACT OF JULY 13, 1988



1           (P.L.530, NO.94), KNOWN AS THE ENVIRONMENTAL HEARING  
2           BOARD ACT; OR

3           (II) IF AN APPEAL HAS BEEN FILED, NO SUPERSEDEAS  
4           HAS BEEN ISSUED.

5           (F) DRILLING.--

6           (1) UPON ISSUANCE OF A PERMIT, THE WELL OPERATOR MAY  
7           DRILL AT THE LOCATION SHOWN ON THE PLAT AFTER PROVIDING THE  
8           DEPARTMENT, THE SURFACE LANDOWNER AND THE LOCAL POLITICAL  
9           SUBDIVISION IN WHICH THE WELL IS TO BE LOCATED 24 HOURS'  
10          NOTICE OF THE DATE THAT DRILLING WILL COMMENCE.

11          (2) THE UNCONVENTIONAL WELL OPERATOR SHALL PROVIDE THE  
12          DEPARTMENT 24 HOURS' NOTICE PRIOR TO CEMENTING ALL CASING  
13          STRINGS, CONDUCTING PRESSURE TESTS OF THE PRODUCTION CASING,  
14          STIMULATION AND ABANDONING OR PLUGGING AN UNCONVENTIONAL  
15          WELL.

16          (3) IN NONCOAL AREAS WHERE MORE THAN ONE WELL IS TO BE  
17          DRILLED AS PART OF THE SAME DEVELOPMENT PROJECT, ONLY THE  
18          FIRST WELL OF THE PROJECT NEED BE LOCATED BY SURVEY.  
19          REMAINING WELLS OF THE PROJECT SHALL BE SHOWN ON THE PLAT IN  
20          A MANNER PRESCRIBED BY REGULATION.

21          (4) PRIOR TO DRILLING EACH ADDITIONAL PROJECT WELL, THE  
22          WELL OPERATOR SHALL NOTIFY THE DEPARTMENT AND PROVIDE  
23          REASONABLE NOTICE OF THE DATE ON WHICH DRILLING WILL  
24          COMMENCE.

25          (5) WHENEVER, BEFORE OR DURING THE DRILLING OF A WELL  
26          NOT WITHIN THE BOUNDARIES OF AN OPERATING COAL MINE, THE WELL  
27          OPERATOR ENCOUNTERS CONDITIONS OF A NATURE WHICH RENDERS  
28          DRILLING OF THE BORE HOLE OR A PORTION THEREOF IMPOSSIBLE, OR  
29          MORE HAZARDOUS THAN USUAL, THE WELL OPERATOR, UPON VERBAL  
30          NOTICE TO THE DEPARTMENT, MAY IMMEDIATELY PLUG ALL OR PART OF

1 THE BORE HOLE, IF DRILLING HAS OCCURRED, AND COMMENCE A NEW  
2 BORE HOLE NOT MORE THAN 50 FEET FROM THE OLD BORE HOLE IF THE  
3 LOCATION OF THE NEW BORE HOLE DOES NOT VIOLATE SECTION 3215  
4 (RELATING TO WELL LOCATION RESTRICTIONS) AND, IN THE CASE OF  
5 A WELL SUBJECT TO ACT OF JULY 25, 1961 (P.L.825, NO.359),  
6 KNOWN AS THE OIL AND GAS CONSERVATION LAW, IF THE NEW  
7 LOCATION COMPLIES WITH EXISTING LAWS, REGULATIONS AND SPACING  
8 ORDERS AND THE NEW BORE HOLE IS AT LEAST 330 FEET FROM THE  
9 NEAREST LEASE BOUNDARY.

10 (6) WITHIN TEN DAYS OF COMMENCEMENT OF THE NEW BORE  
11 HOLE, THE WELL OPERATOR SHALL FILE WITH THE DEPARTMENT A  
12 WRITTEN NOTICE OF INTENTION TO PLUG, A WELL RECORD, A  
13 COMPLETION REPORT, A PLUGGING CERTIFICATE FOR THE ORIGINAL  
14 BORE HOLE AND AN AMENDED PLAT FOR THE NEW BORE HOLE.

15 (7) THE WELL OPERATOR SHALL FORWARD A COPY OF THE  
16 AMENDED PLAT TO THE SURFACE LANDOWNER IDENTIFIED ON THE WELL  
17 PERMIT APPLICATION WITHIN TEN DAYS OF COMMENCEMENT OF THE NEW  
18 WELL BORE.

19 (G) POSTING.--THE WELL PERMIT NUMBER AND OPERATOR'S NAME,  
20 ADDRESS AND TELEPHONE NUMBER SHALL BE CONSPICUOUSLY POSTED AT  
21 THE DRILLING SITE PRIOR TO COMMENCEMENT OF DRILLING.

22 (H) LABELING.--THE WELL OPERATOR SHALL INSTALL THE PERMIT  
23 NUMBER ISSUED BY THE DEPARTMENT IN A LEGIBLE, VISIBLE AND  
24 PERMANENT MANNER ON THE WELL UPON COMPLETION.

25 (I) EXPIRATION.--WELL PERMITS ISSUED FOR DRILLING WELLS  
26 UNDER THIS CHAPTER SHALL EXPIRE ONE YEAR AFTER ISSUANCE UNLESS  
27 OPERATIONS FOR DRILLING THE WELL ARE COMMENCED WITHIN THE PERIOD  
28 AND PURSUED WITH DUE DILIGENCE OR UNLESS THE PERMIT IS RENEWED  
29 IN ACCORDANCE WITH REGULATIONS OF THE DEPARTMENT. IF DRILLING IS  
30 COMMENCED DURING THE ONE-YEAR PERIOD, THE WELL PERMIT SHALL

1 REMAIN IN FORCE UNTIL THE WELL IS PLUGGED IN ACCORDANCE WITH  
2 SECTION 3220 (RELATING TO PLUGGING REQUIREMENTS) OR THE PERMIT  
3 IS REVOKED. A DRILLING PERMIT ISSUED PRIOR TO APRIL 18, 1985,  
4 FOR A WELL WHICH IS AN OPERATING WELL ON APRIL 18, 1985, SHALL  
5 REMAIN IN FORCE AS A WELL PERMIT UNTIL THE WELL IS PLUGGED IN  
6 ACCORDANCE WITH SECTION 3220. NOTHING IN THIS SUBSECTION SHALL  
7 BE CONSTRUED TO RESCIND THE PROVISIONS PERTAINING TO DRILLING  
8 PERMITS CONTAINED IN CHAPTER 34.

9 (J) EXCEPTIONS.--THE ENVIRONMENTAL QUALITY BOARD MAY  
10 ESTABLISH BY REGULATION CERTAIN CATEGORIES OF ALTERATIONS OF  
11 PERMITTED OR REGISTERED WELLS FOR WHICH PERMITTING REQUIREMENTS  
12 OF THIS SECTION SHALL NOT APPLY. A WELL OPERATOR OR OWNER WHO  
13 PROPOSES TO CONDUCT THE ALTERATION ACTIVITY SHALL FIRST OBTAIN A  
14 PERMIT OR REGISTRATION MODIFICATION FROM THE DEPARTMENT. THE  
15 ENVIRONMENTAL QUALITY BOARD SHALL PROMULGATE REGULATIONS AS TO  
16 THE REQUIREMENTS FOR MODIFICATIONS.

17 (K) NO TRANSFER PERMITTED.--NO PERMIT ISSUED UNDER THIS  
18 SECTION OR REGISTRATION ISSUED UNDER SECTION 3213 (RELATING TO  
19 WELL REGISTRATION AND IDENTIFICATION) MAY BE TRANSFERRED WITHOUT  
20 PRIOR APPROVAL OF THE DEPARTMENT. A REQUEST FOR APPROVAL OF A  
21 TRANSFER SHALL BE ON THE FORMS, AND IN THE MANNER, PRESCRIBED BY  
22 THE DEPARTMENT. THE DEPARTMENT SHALL APPROVE OR DENY A TRANSFER  
23 REQUEST WITHIN 45 DAYS OF RECEIPT OF A COMPLETE AND ACCURATE  
24 APPLICATION. THE DEPARTMENT MAY DENY A REQUEST ONLY FOR REASONS  
25 SET FORTH IN SUBSECTION (E.1) (4) AND (5). APPROVAL OF A TRANSFER  
26 REQUEST SHALL PERMANENTLY TRANSFER RESPONSIBILITY TO PLUG THE  
27 WELL UNDER SECTION 3220 TO THE RECIPIENT OF THE TRANSFERRED  
28 PERMIT OR REGISTRATION.

29 (L) REGULATIONS.--THE ENVIRONMENTAL QUALITY BOARD MAY  
30 ESTABLISH BY REGULATION REQUIREMENTS FOR THE PERMITTING AND

1 OPERATION OF ABANDONED OR ORPHAN WELLS. A PERSON WHO PROPOSES TO  
2 CONDUCT ABANDONED OR ORPHAN WELL OPERATIONS SHALL FIRST OBTAIN A  
3 PERMIT TO OPERATE AN ABANDONED OR ORPHAN WELL.

4 (M) WATER MANAGEMENT.--THE FOLLOWING SHALL APPLY TO WATER  
5 MANAGEMENT:

6 (1) NO PERSON MAY WITHDRAW OR USE WATER FROM WATER  
7 SOURCES WITHIN THIS COMMONWEALTH FOR THE DRILLING OR  
8 HYDRAULIC FRACTURE STIMULATION OF ANY NATURAL GAS WELL  
9 COMPLETED IN AN UNCONVENTIONAL GAS FORMATION, WHETHER ON OR  
10 OFF OF THE LAND WHERE THE GAS WELL IS LOCATED, EXCEPT IN  
11 ACCORDANCE WITH A WATER MANAGEMENT PLAN APPROVED BY THE  
12 DEPARTMENT.

13 (2) THE DEPARTMENT SHALL REVIEW AND APPROVE WATER  
14 MANAGEMENT PLANS BASED UPON A DETERMINATION THAT THE PROPOSED  
15 WITHDRAWAL, WHEN OPERATED IN ACCORDANCE WITH THE PROPOSED  
16 WITHDRAWAL OPERATING CONDITIONS SET FORTH IN THE PLAN,  
17 INCLUDING CONDITIONS RELATING TO QUANTITY, WITHDRAWAL RATE  
18 AND TIMING AND ANY PASSBY FLOW CONDITIONS, WILL:

19 (I) NOT ADVERSELY AFFECT THE QUANTITY OR QUALITY OF  
20 WATER AVAILABLE TO OTHER USERS OF THE SAME WATER SOURCES;

21 (II) PROTECT AND MAINTAIN THE DESIGNATED AND  
22 EXISTING USES OF WATER SOURCES; AND

23 (III) NOT CAUSE ADVERSE IMPACT TO WATER QUALITY IN  
24 THE WATERSHED CONSIDERED AS A WHOLE.

25 (3) (I) THE CRITERIA UNDER PARAGRAPH (2) SHALL BE  
26 PRESUMED TO BE ACHIEVED IF THE PROPOSED WATER WITHDRAWAL  
27 HAS BEEN APPROVED BY AND IS OPERATED IN ACCORDANCE WITH  
28 CONDITIONS ESTABLISHED BY THE SUSQUEHANNA RIVER BASIN  
29 COMMISSION, THE DELAWARE RIVER BASIN COMMISSION OR THE  
30 GREAT LAKES COMMISSION, AS APPLICABLE.

1           (II) NOTWITHSTANDING SUBPARAGRAPH (I), THE  
2           DEPARTMENT MAY ESTABLISH ADDITIONAL REQUIREMENTS AS  
3           NECESSARY TO COMPLY WITH THE LAWS OF THIS COMMONWEALTH.

4           (4) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPHS  
5           (1), (2) AND (3), COMPLIANCE WITH A DEPARTMENT-APPROVED WATER  
6           MANAGEMENT PLAN SHALL BE A CONDITION OF ANY PERMIT ISSUED  
7           UNDER THIS CHAPTER FOR THE DRILLING OR HYDRAULIC FRACTURE  
8           STIMULATION OF ANY NATURAL GAS WELL COMPLETED IN AN  
9           UNCONVENTIONAL FORMATION AND SHALL BE DEEMED TO SATISFY THE  
10          LAWS OF THIS COMMONWEALTH.

11 § 3212. PERMIT OBJECTIONS.

12          (A) GENERAL RULE.--IF A WELL REFERRED TO IN SECTION 3211(B)  
13          (RELATING TO WELL PERMITS) WILL BE LOCATED ON A TRACT WHOSE  
14          SURFACE IS OWNED BY A PERSON OTHER THAN THE WELL OPERATOR, THE  
15          SURFACE LANDOWNER AFFECTED SHALL BE NOTIFIED OF THE INTENT TO  
16          DRILL AND MAY FILE OBJECTIONS, IN ACCORDANCE WITH SECTION 3251  
17          (RELATING TO CONFERENCES), BASED ON THE ASSERTION THAT THE WELL  
18          LOCATION VIOLATES SECTION 3215 (RELATING TO WELL LOCATION  
19          RESTRICTIONS) OR THAT INFORMATION IN THE APPLICATION IS UNTRUE  
20          IN ANY MATERIAL RESPECT, WITHIN 15 DAYS OF THE RECEIPT BY THE  
21          SURFACE OWNER OF THE PLAT UNDER SECTION 3211(B). RECEIPT OF  
22          NOTICE BY THE SURFACE OWNER SHALL BE PRESUMED TO HAVE OCCURRED  
23          15 DAYS FROM THE DATE OF THE CERTIFIED MAILING WHEN THE WELL  
24          OPERATOR SUBMITS A COPY OF THE CERTIFIED MAIL RECEIPT SENT TO  
25          THE SURFACE OWNER AND AN AFFIDAVIT CERTIFYING THAT THE ADDRESS  
26          OF THE SURFACE OWNER TO WHICH NOTICE WAS SENT IS THE SAME AS THE  
27          ADDRESS LISTED IN THE ASSESSMENT BOOKS IN THE COUNTY WHERE THE  
28          PROPERTY IS LOCATED. IF NO OBJECTION IS FILED OR NONE IS RAISED  
29          BY THE DEPARTMENT WITHIN 15 DAYS AFTER RECEIPT OF THE PLAT BY  
30          THE SURFACE LANDOWNER, OR, IF WRITTEN APPROVAL BY THE SURFACE

1 LANDOWNER IS FILED WITH THE DEPARTMENT AND NO OBJECTION IS  
2 RAISED BY THE DEPARTMENT WITHIN 15 DAYS OF FILING, THE  
3 DEPARTMENT SHALL PROCEED TO ISSUE OR DENY THE PERMIT.

4 (B) SPECIAL CIRCUMSTANCES.--IF A WELL REFERRED TO IN SECTION  
5 3211(B) WILL PENETRATE WITHIN THE OUTSIDE COAL BOUNDARIES OF AN  
6 OPERATING COAL MINE OR A COAL MINE ALREADY PROJECTED AND PLATTED  
7 BUT NOT YET BEING OPERATED, OR WITHIN 1,000 LINEAR FEET BEYOND  
8 THOSE BOUNDARIES, AND, IN THE OPINION OF THE COAL OWNER OR  
9 OPERATOR, THE WELL OR A PILLAR OF COAL ABOUT THE WELL WILL  
10 UNDULY INTERFERE WITH OR ENDANGER THE MINE, THE COAL OWNER OR  
11 OPERATOR AFFECTED MAY FILE OBJECTIONS UNDER SECTION 3251 TO THE  
12 PROPOSED LOCATION WITHIN 15 DAYS OF THE RECEIPT BY THE COAL  
13 OPERATOR OF THE PLAT UNDER SECTION 3211(B). IF POSSIBLE, AN  
14 ALTERNATIVE LOCATION AT WHICH THE PROPOSED WELL COULD BE DRILLED  
15 TO OVERCOME THE OBJECTIONS SHALL BE INDICATED. IF NO OBJECTION  
16 TO THE PROPOSED LOCATION IS FILED OR IF NONE IS RAISED BY THE  
17 DEPARTMENT WITHIN 15 DAYS AFTER RECEIPT OF THE PLAT BY THE COAL  
18 OPERATOR OR OWNER, OR, IF WRITTEN APPROVAL BY THE COAL OPERATOR  
19 OR OWNER OF THE LOCATION IS FILED WITH THE DEPARTMENT AND NO  
20 OBJECTION IS RAISED BY THE DEPARTMENT WITHIN 15 DAYS OF FILING,  
21 THE DEPARTMENT SHALL PROCEED TO ISSUE OR DENY THE PERMIT.

22 (C) PROCEDURE UPON OBJECTION.--IF AN OBJECTION IS FILED BY A  
23 COAL OPERATOR OR OWNER OR MADE BY THE DEPARTMENT, THE DEPARTMENT  
24 SHALL FIX A TIME AND PLACE FOR A CONFERENCE UNDER SECTION 3251  
25 NOT MORE THAN TEN DAYS FROM THE DATE OF SERVICE OF THE OBJECTION  
26 TO ALLOW THE PARTIES TO CONSIDER THE OBJECTION AND ATTEMPT TO  
27 AGREE ON A LOCATION. IF THEY FAIL TO AGREE, THE DEPARTMENT, BY  
28 AN APPROPRIATE ORDER, SHALL DETERMINE A LOCATION ON THE TRACT OF  
29 LAND AS NEAR TO THE ORIGINAL LOCATION AS POSSIBLE WHERE, IN THE  
30 JUDGMENT OF THE DEPARTMENT, THE WELL CAN BE SAFELY DRILLED

1 WITHOUT UNDULY INTERFERING WITH OR ENDANGERING THE MINE AS  
2 DEFINED IN SUBSECTION (B). THE NEW LOCATION AGREED UPON BY THE  
3 PARTIES OR DETERMINED BY THE DEPARTMENT SHALL BE INDICATED ON  
4 THE PLAT ON FILE WITH THE DEPARTMENT AND BECOME A PERMANENT  
5 RECORD UPON WHICH THE DEPARTMENT SHALL PROCEED TO ISSUE OR DENY  
6 THE PERMIT.

7 (D) SURVEY.--WITHIN 120 DAYS AFTER COMMENCEMENT OF DRILLING  
8 OPERATIONS, THE COAL OPERATOR SHALL ACCURATELY LOCATE THE WELL  
9 BY A CLOSED SURVEY ON THE SAME DATUM AS THE MINE WORKINGS OR  
10 COAL BOUNDARIES ARE MAPPED, FILE THE RESULTS OF THE SURVEY WITH  
11 THE DEPARTMENT AND FORWARD A COPY BY CERTIFIED MAIL TO THE WELL  
12 OPERATOR.

13 § 3212.1. COMMENTS BY MUNICIPALITIES.

14 (A) GENERAL RULE.--THE MUNICIPALITY WHERE THE TRACT OF LAND  
15 UPON WHICH THE UNCONVENTIONAL WELL TO BE DRILLED IS LOCATED MAY  
16 SUBMIT WRITTEN COMMENTS TO THE DEPARTMENT DESCRIBING LOCAL  
17 CONDITIONS OR CIRCUMSTANCES WHICH THE MUNICIPALITY HAS  
18 DETERMINED SHOULD BE CONSIDERED BY THE DEPARTMENT IN RENDERING  
19 ITS DETERMINATION ON THE UNCONVENTIONAL WELL PERMIT. A COMMENT  
20 UNDER THIS SUBSECTION MUST BE SUBMITTED TO THE DEPARTMENT WITHIN  
21 15 DAYS OF THE RECEIPT OF THE PLAT UNDER SECTION 3211(B)  
22 (RELATING TO WELL PERMITS). THE MUNICIPALITY SHALL  
23 SIMULTANEOUSLY FORWARD A COPY OF ITS COMMENTS TO THE PERMIT  
24 APPLICANT AND ALL OTHER PARTIES ENTITLED TO A COPY OF THE PLAT  
25 UNDER SECTION 3211(B), WHO MAY SUBMIT A WRITTEN RESPONSE. A  
26 WRITTEN RESPONSE MUST BE SUBMITTED TO THE DEPARTMENT WITHIN TEN  
27 DAYS OF RECEIPT OF THE COMMENTS OF THE MUNICIPALITY.

28 (B) CONSIDERATION BY DEPARTMENT.--COMMENTS AND RESPONSES  
29 UNDER SUBSECTION (A) MAY BE CONSIDERED BY THE DEPARTMENT IN  
30 ACCORDANCE WITH SECTION 3215(D) (RELATING TO WELL LOCATION

1 RESTRICTIONS).

2 (C) NO EXTENSION OF TIME PERIOD.--THE PROCESS OUTLINED IN  
3 THIS SECTION SHALL NOT EXTEND THE TIME PERIOD FOR THE ISSUANCE  
4 OR DENIAL OF A PERMIT BEYOND THE TIME PERIOD SET FORTH IN THIS  
5 CHAPTER.

6 § 3213. WELL REGISTRATION AND IDENTIFICATION.

7 (A) GENERAL RULE.--ON OR BEFORE JULY 5, 1996, EACH PERSON  
8 WHO OWNED OR OPERATED A WELL IN EXISTENCE PRIOR TO APRIL 18,  
9 1985, WHICH HAS NOT BEEN REGISTERED WITH THE DEPARTMENT AND FOR  
10 WHICH NO DRILLING PERMIT HAS BEEN ISSUED BY THE DEPARTMENT,  
11 SHALL REGISTER THE WELL WITH THE DEPARTMENT. A WELL OWNER OR  
12 OPERATOR WHO REGISTERS UNDER THIS SUBSECTION AND A WELL OWNER OR  
13 OPERATOR WHO HAS PREVIOUSLY REGISTERED A WELL UNDER THIS CHAPTER  
14 SHALL, ON OR BEFORE JULY 5, 1996, IDENTIFY ANY ABANDONED WELL ON  
15 PROPERTY WHICH THE WELL OWNER OR OPERATOR OWNS OR LEASES AND  
16 REQUEST APPROVAL FROM THE DEPARTMENT FOR CLASSIFICATION OF THE  
17 WELL AS AN ORPHAN WELL. INFORMATION REGARDING WELLS TO BE  
18 REGISTERED OR IDENTIFIED SHALL BE PROVIDED ON A FORM, OR IN A  
19 MANNER PRESCRIBED BY THE DEPARTMENT, AND SHALL INCLUDE:

20 (1) THE NAME AND ADDRESS OF THE WELL OPERATOR AND, IF  
21 THE WELL OPERATOR IS A CORPORATION, PARTNERSHIP OR PERSON  
22 NONRESIDENT OF THIS COMMONWEALTH, THE NAME AND ADDRESS OF AN  
23 AGENT FOR THE OPERATOR UPON WHOM NOTICES, ORDERS, PROCESS OR  
24 OTHER COMMUNICATIONS ISSUED UNDER THIS CHAPTER MAY BE SERVED.

25 (2) THE WELL NAME AND THE LOCATION OF THE WELL INDICATED  
26 BY A POINT ON A 7 1/2 MINUTE UNITED STATES GEOLOGICAL SURVEY  
27 TOPOGRAPHIC MAP OR ANY OTHER LOCATION DESCRIPTION SUFFICIENT  
28 TO ENABLE THE DEPARTMENT TO LOCATE THE WELL ON THE GROUND.

29 (3) THE APPROXIMATE DATE OF DRILLING AND COMPLETING THE  
30 WELL, ITS APPROXIMATE DEPTH AND PRODUCING HORIZONS, WELL



1 CONSTRUCTION INFORMATION AND, IF AVAILABLE, DRILLER'S LOGS.

2 (4) AN INDEMNITY BOND, AN ALTERNATIVE FEE IN LIEU OF  
3 BONDING OR OTHER EVIDENCE OF FINANCIAL SECURITY SUBMITTED BY  
4 THE WELL OPERATOR AND DEEMED APPROPRIATE BY THE DEPARTMENT  
5 AND SATISFYING THE REQUIREMENTS OF SECTION 3225 (RELATING TO  
6 BONDING). NO BOND, ALTERNATIVE FEE OR OTHER EVIDENCE OF  
7 FINANCIAL SECURITY SHALL BE REQUIRED FOR IDENTIFICATION OF AN  
8 ORPHAN WELL. FOR WELLS DRILLED PRIOR TO JANUARY 30, 1956,  
9 WHICH HAVE NOT BEEN BONDED, THE WELL OPERATOR SHALL HAVE FIVE  
10 YEARS TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH.

11 (5) A REGISTRATION FEE OF \$15 PER WELL OR BLANKET  
12 REGISTRATION FEE OF \$250 FOR MULTIPLE WELL REGISTRATION  
13 APPLICATIONS SUBMITTED SIMULTANEOUSLY. THE REGISTRATION FEE  
14 SHALL BE WAIVED UNTIL JULY 5, 1996, AND NO FEE SHALL BE  
15 CHARGED FOR IDENTIFICATION OF AN ORPHAN WELL.

16 (A.1) ORPHAN WELLS.--AFTER JULY 5, 1996, A WELL OWNER, WELL  
17 OPERATOR OR OTHER PERSON DISCOVERING AN ABANDONED WELL ON  
18 PROPERTY PURCHASED OR LEASED BY THE WELL OWNER, WELL OPERATOR OR  
19 OTHER PERSON SHALL IDENTIFY IT TO THE DEPARTMENT WITHIN 60 DAYS  
20 OF DISCOVERY AND ADVISE THE DEPARTMENT THAT HE IS SEEKING  
21 CLASSIFICATION OF THE WELL AS AN ORPHAN WELL. NO FEE SHALL BE  
22 REQUIRED FOR IDENTIFICATION.

23 (B) EXTENSION.--THE DEPARTMENT MAY EXTEND THE ONE-YEAR TIME  
24 PERIOD UNDER SUBSECTION (A) FOR GOOD CAUSE SHOWN. THE EXTENSION  
25 MAY NOT EXCEED A PERIOD ENDING TWO YEARS FROM APRIL 18, 1985.  
26 THE DEPARTMENT MAY ADOPT AND PROMULGATE GUIDELINES DESIGNED TO  
27 ENSURE A FAIR IMPLEMENTATION OF THIS SECTION, RECOGNIZING THE  
28 PRACTICAL DIFFICULTIES OF LOCATING UNPERMITTED WELLS AND  
29 COMPLYING WITH THE REPORTING REQUIREMENTS OF THIS CHAPTER.

30 (C) INSTALLATION OF REGISTRATION NUMBER.--THE WELL OPERATOR

1 SHALL INSTALL THE REGISTRATION NUMBER ISSUED BY THE DEPARTMENT  
2 IN A LEGIBLE, CONSPICUOUS AND PERMANENT MANNER ON THE WELL  
3 WITHIN 60 DAYS OF ISSUANCE.

4 (D) DEFINITION.--FOR PURPOSES OF SUBSECTION (A) (4) AND (5),  
5 THE TERM "OWNER" DOES NOT INCLUDE AN OWNER OR POSSESSOR OF  
6 SURFACE REAL PROPERTY, ON WHICH AN ABANDONED WELL IS LOCATED,  
7 WHO DID NOT PARTICIPATE OR INCUR COSTS IN, AND HAD NO RIGHT OF  
8 CONTROL OVER, THE DRILLING OR EXTRACTION OPERATION OF THE  
9 ABANDONED WELL.

10 § 3214. INACTIVE STATUS.

11 (A) GENERAL RULE.--UPON APPLICATION, THE DEPARTMENT SHALL  
12 GRANT INACTIVE STATUS FOR A PERIOD OF FIVE YEARS FOR A PERMITTED  
13 OR REGISTERED WELL, IF THE FOLLOWING REQUIREMENTS ARE MET:

14 (1) THE CONDITION OF THE WELL IS SUFFICIENT TO PREVENT  
15 DAMAGE TO THE PRODUCING ZONE OR CONTAMINATION OF FRESH WATER  
16 OR OTHER NATURAL RESOURCES OR SURFACE LEAKAGE OF ANY  
17 SUBSTANCE;

18 (2) THE CONDITION OF THE WELL IS SUFFICIENT TO STOP THE  
19 VERTICAL FLOW OF FLUIDS OR GAS WITHIN THE WELL BORE AND IS  
20 ADEQUATE TO PROTECT FRESHWATER AQUIFERS, UNLESS THE  
21 DEPARTMENT DETERMINES THE WELL POSES A THREAT TO THE HEALTH  
22 AND SAFETY OF PERSONS OR PROPERTY OR TO THE ENVIRONMENT;

23 (3) THE OPERATOR ANTICIPATES CONSTRUCTION OF A PIPELINE  
24 OR FUTURE USE OF THE WELL FOR PRIMARY OR ENHANCED RECOVERY,  
25 GAS STORAGE, APPROVED DISPOSAL OR OTHER APPROPRIATE USES  
26 RELATED TO OIL AND GAS WELL PRODUCTION; AND

27 (4) THE APPLICANT SATISFIES THE BONDING REQUIREMENTS OF  
28 SECTIONS 3213 (RELATING TO WELL REGISTRATION AND  
29 IDENTIFICATION) AND 3225 (RELATING TO BONDING), EXCEPT THAT  
30 THE DEPARTMENT MAY REQUIRE ADDITIONAL FINANCIAL SECURITY FOR

1 A WELL ON WHICH AN ALTERNATIVE FEE IS BEING PAID IN LIEU OF  
2 BONDING UNDER SECTION 3225 (D).

3 (B) MONITORING.--THE OWNER OR OPERATOR OF A WELL GRANTED  
4 INACTIVE STATUS SHALL BE RESPONSIBLE FOR MONITORING THE  
5 MECHANICAL INTEGRITY OF THE WELL TO ENSURE THAT THE REQUIREMENTS  
6 OF SUBSECTION (A) (1) AND (2) ARE MET AND SHALL REPORT THE SAME  
7 ON AN ANNUAL BASIS TO THE DEPARTMENT IN THE MANNER AND FORM  
8 PRESCRIBED BY DEPARTMENTAL REGULATIONS.

9 (C) (RESERVED).

10 (D) RETURN TO ACTIVE STATUS.--A WELL GRANTED INACTIVE STATUS  
11 UNDER SUBSECTION (A) SHALL BE PLUGGED IN ACCORDANCE WITH SECTION  
12 3220 (RELATING TO PLUGGING REQUIREMENTS) OR RETURNED TO ACTIVE  
13 STATUS WITHIN FIVE YEARS OF THE DATE INACTIVE STATUS WAS  
14 GRANTED, UNLESS THE OWNER OR OPERATOR APPLIES FOR AN EXTENSION  
15 OF INACTIVE STATUS WHICH MAY BE GRANTED ON A YEAR-TO-YEAR BASIS  
16 IF THE DEPARTMENT DETERMINES THAT THE OWNER OR OPERATOR HAS  
17 DEMONSTRATED ABILITY TO CONTINUE MEETING THE REQUIREMENTS OF  
18 THIS SECTION AND THE OWNER OR OPERATOR CERTIFIES THAT THE WELL  
19 WILL BE OF FUTURE USE WITHIN A REASONABLE PERIOD OF TIME. AN  
20 OWNER OR OPERATOR WHO HAS BEEN GRANTED INACTIVE STATUS FOR A  
21 WELL WHICH IS RETURNED TO ACTIVE STATUS PRIOR TO EXPIRATION OF  
22 THE FIVE-YEAR PERIOD SET FORTH IN SUBSECTION (A) SHALL NOTIFY  
23 THE DEPARTMENT THAT THE WELL HAS BEEN RETURNED TO ACTIVE STATUS  
24 AND SHALL NOT BE PERMITTED TO APPLY FOR ANOTHER AUTOMATIC FIVE-  
25 YEAR PERIOD OF INACTIVE STATUS FOR THE WELL. THE OWNER OR  
26 OPERATOR MAY MAKE APPLICATION TO RETURN THE WELL TO INACTIVE  
27 STATUS, AND THE APPLICATION MAY BE APPROVED ON A YEAR-TO-YEAR  
28 BASIS IF THE DEPARTMENT DETERMINES THAT THE OWNER OR OPERATOR  
29 HAS DEMONSTRATED AN ABILITY TO CONTINUE MEETING THE REQUIREMENTS  
30 OF THIS SECTION AND THE OWNER OR OPERATOR CERTIFIES THAT THE

1 WELL WILL BE OF FUTURE USE WITHIN A REASONABLE PERIOD OF TIME.  
2 THE DEPARTMENT SHALL APPROVE OR DENY AN APPLICATION TO EXTEND A  
3 PERIOD OF INACTIVE STATUS OR TO RETURN A WELL TO INACTIVE STATUS  
4 WITHIN 60 DAYS OF RECEIPT OF THE APPLICATION, AND THE  
5 APPLICATION SHALL NOT BE UNREASONABLY DENIED. IF THE DEPARTMENT  
6 HAS NOT COMPLETED ITS REVIEW OF THE APPLICATION WITHIN 60 DAYS,  
7 THE INACTIVE STATUS SHALL CONTINUE UNTIL THE DEPARTMENT HAS MADE  
8 A DETERMINATION ON THE REQUEST. IF THE DEPARTMENT DENIES AN  
9 APPLICATION TO EXTEND THE PERIOD OF INACTIVE STATUS OR TO RETURN  
10 A WELL TO INACTIVE STATUS, A WELL OWNER OR OPERATOR AGGRIEVED BY  
11 THE DENIAL SHALL HAVE THE RIGHT TO APPEAL THE DENIAL TO THE  
12 ENVIRONMENTAL HEARING BOARD WITHIN 30 DAYS OF RECEIPT OF THE  
13 DENIAL. UPON CAUSE SHOWN BY A WELL OWNER OR OPERATOR, THE BOARD  
14 MAY GRANT A SUPERSEDEAS UNDER SECTION 4 OF THE ACT OF JULY 13,  
15 1988 (P.L.530, NO.94), KNOWN AS THE ENVIRONMENTAL HEARING BOARD  
16 ACT, SO THAT THE WELL IN QUESTION MAY RETAIN INACTIVE STATUS  
17 DURING THE PERIOD OF THE APPEAL.

18 (E) REVOCATION OF INACTIVE STATUS.--THE DEPARTMENT MAY  
19 REVOKE INACTIVE STATUS AND ORDER IMMEDIATE PLUGGING OF A WELL IF  
20 THE WELL IS IN VIOLATION OF THIS CHAPTER OR RULES OR REGULATIONS  
21 PROMULGATED UNDER THIS CHAPTER OR IF THE OWNER OR OPERATOR  
22 DEMONSTRATES INABILITY TO PERFORM OBLIGATIONS UNDER THIS CHAPTER  
23 OR BECOMES FINANCIALLY INSOLVENT, OR UPON RECEIPT BY THE  
24 DEPARTMENT OF NOTICE OF BANKRUPTCY PROCEEDINGS BY THE PERMITTEE.  
25 § 3215. WELL LOCATION RESTRICTIONS.

26 (A) GENERAL RULE.--WELLS MAY NOT BE DRILLED WITHIN 200 FEET,  
27 OR, IN THE CASE OF AN UNCONVENTIONAL GAS WELL, 500 FEET MEASURED  
28 HORIZONTALLY FROM THE VERTICAL WELL BORE TO A BUILDING OR WATER  
29 WELL, EXISTING WHEN THE COPY OF THE PLAT IS MAILED AS REQUIRED  
30 BY SECTION 3211(B) (RELATING TO WELL PERMITS) WITHOUT WRITTEN

1 CONSENT OF THE OWNER OF THE BUILDING OR WATER WELL.  
2 UNCONVENTIONAL GAS WELLS MAY NOT BE DRILLED WITHIN 1,000 FEET  
3 MEASURED HORIZONTALLY FROM THE VERTICAL WELL BORE TO ANY  
4 EXISTING WATER WELL, SURFACE WATER INTAKE, RESERVOIR OR OTHER  
5 WATER SUPPLY EXTRACTION POINT USED BY A WATER PURVEYOR WITHOUT  
6 THE WRITTEN CONSENT OF THE WATER PURVEYOR. IF CONSENT IS NOT  
7 OBTAINED AND THE DISTANCE RESTRICTION WOULD DEPRIVE THE OWNER OF  
8 THE OIL AND GAS RIGHTS OF THE RIGHT TO PRODUCE OR SHARE IN THE  
9 OIL OR GAS UNDERLYING THE SURFACE TRACT, THE WELL OPERATOR SHALL  
10 BE GRANTED A VARIANCE FROM THE DISTANCE RESTRICTION UPON  
11 SUBMISSION OF A PLAN IDENTIFYING THE ADDITIONAL MEASURES,  
12 FACILITIES OR PRACTICES AS PRESCRIBED BY THE DEPARTMENT TO BE  
13 EMPLOYED DURING WELL SITE CONSTRUCTION, DRILLING AND OPERATIONS.  
14 THE VARIANCE, IF GRANTED, SHALL INCLUDE ADDITIONAL TERMS AND  
15 CONDITIONS REQUIRED BY THE DEPARTMENT TO ENSURE SAFETY AND  
16 PROTECTION OF AFFECTED PERSONS AND PROPERTY, INCLUDING  
17 INSURANCE, BONDING, INDEMNIFICATION AND TECHNICAL REQUIREMENTS.

18 (B) LIMITATION.--

19 (1) NO WELL MAY BE DRILLED WITHIN 100 FEET, OR, IN THE  
20 CASE OF AN UNCONVENTIONAL WELL, 300 FEET MEASURED  
21 HORIZONTALLY FROM ANY SOLID BLUE LINED STREAM AS IDENTIFIED  
22 ON THE MOST CURRENT 7 1/2 MINUTE TOPOGRAPHIC QUADRANGLE MAP  
23 OF THE UNITED STATES GEOLOGICAL SURVEY.

24 (2) THE EDGE OF THE DISTURBED AREA ASSOCIATED WITH ANY  
25 UNCONVENTIONAL WELL MUST MAINTAIN A 100-FOOT SETBACK FROM THE  
26 EDGE OF ANY SOLID BLUE LINED STREAM AS IDENTIFIED ON THE MOST  
27 CURRENT 7 1/2 MINUTE TOPOGRAPHIC QUADRANGLE MAP OF THE UNITED  
28 STATES GEOLOGICAL SURVEY.

29 (3) NO UNCONVENTIONAL WELL MAY BE DRILLED WITHIN 300  
30 FEET OF ANY WETLANDS GREATER THAN ONE ACRE IN SIZE, AND THE

1 EDGE OF THE DISTURBED AREA MUST MAINTAIN A 100-FOOT SETBACK  
2 FROM THE BOUNDARY OF THE WETLANDS.

3 (4) THE DEPARTMENT SHALL WAIVE THE DISTANCE RESTRICTIONS  
4 UPON SUBMISSION OF A PLAN IDENTIFYING ADDITIONAL MEASURES,  
5 FACILITIES OR PRACTICES TO BE EMPLOYED DURING WELL SITE  
6 CONSTRUCTION, DRILLING AND OPERATIONS. THE WAIVER SHALL IMPOSE  
7 PERMIT CONDITIONS NECESSARY TO PROTECT THE WATERS OF THIS  
8 COMMONWEALTH.

9 (C) IMPACT.--ON MAKING A DETERMINATION ON A WELL PERMIT, THE  
10 DEPARTMENT SHALL CONSIDER IMPACT OF THE PROPOSED WELL ON PUBLIC  
11 RESOURCES, INCLUDING, BUT NOT LIMITED TO:

12 (1) PUBLICLY OWNED PARKS, FORESTS, GAME LANDS AND  
13 WILDLIFE AREAS.

14 (2) NATIONAL OR STATE SCENIC RIVERS.

15 (3) NATIONAL NATURAL LANDMARKS.

16 (4) HABITATS OF RARE AND ENDANGERED FLORA AND FAUNA AND  
17 OTHER CRITICAL COMMUNITIES.

18 (5) HISTORICAL AND ARCHAEOLOGICAL SITES LISTED ON THE  
19 FEDERAL OR STATE LIST OF HISTORIC PLACES.

20 (D) CONSIDERATION OF MUNICIPALITY COMMENTS.--THE DEPARTMENT  
21 MAY CONSIDER THE COMMENTS SUBMITTED UNDER SECTION 3212.1  
22 (RELATING TO COMMENTS BY MUNICIPALITIES) IN MAKING A  
23 DETERMINATION ON A WELL PERMIT. NOTWITHSTANDING ANY OTHER LAW,  
24 NO MUNICIPALITY SHALL HAVE A RIGHT OF APPEAL OR OTHER FORM OF  
25 REVIEW FROM THE DEPARTMENT'S DECISION.

26 (E) REGULATION CRITERIA.--THE ENVIRONMENTAL QUALITY BOARD  
27 SHALL DEVELOP BY REGULATION CRITERIA:

28 (1) FOR THE DEPARTMENT TO UTILIZE FOR CONDITIONING A  
29 WELL PERMIT BASED ON ITS IMPACT TO THE PUBLIC RESOURCES  
30 IDENTIFIED UNDER SUBSECTION (C) AND FOR ENSURING OPTIMAL

DEVELOPMENT OF OIL AND GAS RESOURCES AND RESPECTING PROPERTY RIGHTS OF OIL AND GAS OWNERS.

(2) FOR APPEAL TO THE ENVIRONMENTAL HEARING BOARD OF A PERMIT CONTAINING CONDITIONS IMPOSED BY THE DEPARTMENT. THE REGULATIONS SHALL ALSO PROVIDE THAT THE DEPARTMENT HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE CONDITIONS WERE NECESSARY TO PROTECT AGAINST A PROBABLE HARMFUL IMPACT OF THE PUBLIC RESOURCES.

(3) FOR PROCESSES AND PROCEDURES FOR THE ADJUDICATION OF COMPENSATION CLAIMS OF AFFECTED OWNERS, IF ANY CONDITIONS OR RESTRICTIONS IMPOSED BY APPLICATION OF THE CRITERIA DEVELOPED UNDER PARAGRAPH (1) DEPRIVE THE OWNER OF THE OIL AND GAS RIGHTS, IN PART OR IN WHOLE, OF THE RIGHT TO PRODUCE OR SHARE IN THE OIL AS GAS UNDERLYING THE SURFACE TRACT OR TRACTS AFFECTED BY IMPOSITION OF ANY CONDITION OR CONDITIONS.

(F) FLOODPLAINS.--

(1) NO WELL SITE MAY BE PREPARED OR WELL DRILLED WITHIN ANY FLOODPLAIN IF THE WELL SITE WILL HAVE:

(I) A PIT OR IMPOUNDMENT CONTAINING DRILLING CUTTINGS, FLOWBACK WATER, PRODUCED WATER OR HAZARDOUS MATERIALS, CHEMICALS OR WASTES WITHIN THE FLOODPLAIN; OR

(II) A TANK CONTAINING HAZARDOUS MATERIALS, CHEMICALS, CONDENSATE, WASTES, FLOWBACK OR PRODUCED WATER WITHIN THE FLOODWAY.

(2) A WELL SITE SHALL NOT BE ELIGIBLE FOR A FLOODPLAIN RESTRICTION WAIVER IF THE WELL SITE WILL HAVE A TANK CONTAINING CONDENSATE, FLOWBACK OR PRODUCED WATER WITHIN THE FLOOD FRINGE UNLESS ALL THE TANKS HAVE ADEQUATE FLOODPROOFING IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM STANDARDS AND ACCEPTED ENGINEERING PRACTICES.

1           (3) THE DEPARTMENT MAY WAIVE RESTRICTIONS UPON  
2 SUBMISSION OF A PLAN THAT SHALL IDENTIFY THE ADDITIONAL  
3 MEASURES, FACILITIES OR PRACTICES TO BE EMPLOYED DURING WELL  
4 SITE CONSTRUCTION, DRILLING AND OPERATIONS. THE WAIVER, IF  
5 GRANTED, SHALL IMPOSE PERMIT CONDITIONS NECESSARY TO PROTECT  
6 THE WATERS OF THIS COMMONWEALTH.

7           (4) BEST PRACTICES TO ENSURE THE PROTECTION OF THE  
8 WATERS OF THIS COMMONWEALTH MUST BE UTILIZED FOR THE STORAGE  
9 AND HANDLING OF ALL WATER, CHEMICALS, FUELS, HAZARDOUS  
10 MATERIALS OR SOLID WASTE ON A WELL SITE LOCATED IN A  
11 FLOODPLAIN. THE DEPARTMENT MAY REQUEST THAT THE WELL SITE  
12 OPERATOR SUBMIT A PLAN FOR THE STORAGE AND HANDLING OF  
13 MATERIALS FOR APPROVAL BY THE DEPARTMENT AND MAY IMPOSE  
14 CONDITIONS OR AMEND PERMITS TO INCLUDE PERMIT CONDITIONS AS  
15 ARE NECESSARY TO PROTECT THE ENVIRONMENT, PUBLIC HEALTH AND  
16 SAFETY.

17           (5) UNLESS OTHERWISE SPECIFIED BY THE DEPARTMENT, THE  
18 BOUNDARY OF THE FLOODPLAIN SHALL BE AS INDICATED ON MAPS AND  
19 FLOOD INSURANCE STUDIES PROVIDED BY THE FEDERAL EMERGENCY  
20 MANAGEMENT AGENCY. IN AN AREA WHERE NO FEDERAL EMERGENCY  
21 MANAGEMENT AGENCY MAPS OR STUDIES HAVE DEFINED THE BOUNDARY  
22 OF THE 100-YEAR FREQUENCY FLOODPLAIN, ABSENT EVIDENCE TO THE  
23 CONTRARY, THE FLOODPLAIN SHALL EXTEND FROM:

24           (I) ANY PERENNIAL STREAM UP TO 100 FEET HORIZONTALLY  
25 FROM THE TOP OF THE BANK OF THE PERENNIAL STREAM; OR

26           (II) FROM ANY INTERMITTENT STREAM UP TO 50 FEET  
27 HORIZONTALLY FROM THE TOP OF THE BANK OF THE INTERMITTENT  
28 STREAM.

29           (G) EXISTING WELLS AND PADS.--SUBSECTIONS (A) AND (B) SHALL  
30 NOT APPLY TO ANY OF THE FOLLOWING:



1           (1) A WELL FOR WHICH A VALID PERMIT EXISTS AS OF THE  
2 EFFECTIVE DATE OF THIS SUBSECTION.

3           (2) A WELL PERMIT APPLICATION SUBMITTED AFTER THE  
4 EFFECTIVE DATE OF THIS SUBSECTION FOR A WELL THAT WILL BE  
5 LOCATED ON A WELLPAD UPON WHICH A WELL HAS BEEN DRILLED UNDER  
6 A VALID PERMIT THAT WAS APPROVED BEFORE THE EFFECTIVE DATE OF  
7 THIS SUBSECTION.

8 § 3215.1. GENERAL RESTRICTIONS.

9           (A) SECURITY FENCING.--SECURITY FENCING SHALL BE INSTALLED  
10 AT NATURAL GAS COMPRESSED STATIONS, DEHYDRATION AND PROCESSING  
11 FACILITIES AND OTHER CENTRAL PROCESSING FACILITIES TO SECURE ALL  
12 PERMANENT BUILDINGS, FACILITIES, STRUCTURES AND EQUIPMENT AND TO  
13 PROTECT THE PUBLIC. WARNING SIGNS SHALL BE PLACED ON THE  
14 SECURITY FENCING PROVIDING NOTICE OF POTENTIAL DANGERS AND  
15 PROVIDING CONTACT INFORMATION IN CASE OF AN EMERGENCY.

16           (B) TEMPORARY OPERATIONS.--THE FOLLOWING SHALL APPLY TO  
17 TEMPORARY OPERATIONS, SUCH AS WELL DRILLING AND COMPLETION  
18 OPERATIONS:

19           (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), TEMPORARY  
20 SECURITY FENCING SHALL BE INSTALLED AT THE OIL OR GAS WELL  
21 SITE TO SECURE ALL BUILDINGS, FACILITIES, STRUCTURES AND  
22 EQUIPMENT AT THE SITE AND TO PROTECT THE PUBLIC. WARNING  
23 SIGNS SHALL BE PLACED AT THE WELL SITE PROVIDING NOTICE OF  
24 POTENTIAL DANGERS AND PROVIDING CONTACT INFORMATION IN CASE  
25 OF AN EMERGENCY.

26           (2) IN LIEU OF SECURITY FENCING UNDER PARAGRAPH (1), A  
27 WELL OWNER OR OPERATOR MAY ESTABLISH 24-HOUR SECURITY  
28 STAFFING AT THE SITE AND INSTALL A SECURITY GATE AT THE  
29 ENTRANCE OF THE ACCESS ROAD TO PREVENT UNAUTHORIZED ACCESS.

30           (C) LIGHTING.--LIGHTING AT THE WELL SITE AND AT OTHER

1 BUILDINGS, FACILITIES AND STRUCTURES DIRECTLY RELATED TO OIL AND  
2 GAS OPERATIONS, EITHER TEMPORARY OR PERMANENT, SHALL BE DIRECTED  
3 DOWNWARD AND INWARD TOWARD THE ACTIVITY, TO THE EXTENT  
4 PRACTICABLE, SO AS TO MINIMIZE THE GLARE ON PUBLIC ROADS AND  
5 NEARBY BUILDINGS WITHIN 100 FEET OF THE WELL SITE, BUILDING,  
6 FACILITY OR STRUCTURE.

7 (D) NOISE REGULATIONS.--WELL OWNERS AND OPERATORS SHALL  
8 COMPLY WITH ALL APPLICABLE NOISE REGULATIONS PROMULGATED BY THE  
9 FEDERAL ENERGY REGULATORY COMMISSION, EXCEPT THAT THE NOISE  
10 LEVEL FROM PERMANENT OIL AND GAS OPERATIONS MAY NOT EXCEED 60  
11 DBA AT THE NEAREST PROPERTY LINE OF THE TRACT OF LAND UPON WHICH  
12 OIL AND GAS OPERATIONS ARE BEING CONDUCTED. ANY COMPRESSOR  
13 SITUATE WITHIN 2,500 FEET OF A DWELLING SHALL BE IN A SOUNDPROOF  
14 BUILDING SUCH THAT THE NOISE LEVEL IMMEDIATELY OUTSIDE SUCH  
15 BUILDING DOES NOT EXCEED 60 DBA.

16 (E) ATMOSPHERIC DISCHARGE.--WELL OWNERS AND OPERATORS SHALL  
17 COMPLY WITH EACH APPLICABLE ENVIRONMENTAL LAW GOVERNING THE  
18 DISCHARGE OF GASES, VAPORS AND ODORS INTO THE ATMOSPHERE. THE  
19 DISCHARGE OF GASES, VAPORS AND ODORS DURING OIL AND GAS  
20 OPERATIONS MAY NOT UNREASONABLY INTERFERE WITH THE COMFORTABLE  
21 ENJOYMENT OF LIFE OR PROPERTY.

22 (F) APPLICABILITY.--THIS SECTION SHALL ONLY APPLY TO  
23 UNCONVENTIONAL NATURAL GAS WELLS.

24 § 3216. WELL SITE RESTORATION.

25 (A) GENERAL RULE.--EACH OIL OR GAS WELL OWNER OR OPERATOR  
26 SHALL RESTORE THE LAND SURFACE WITHIN THE AREA DISTURBED IN  
27 SITING, DRILLING, COMPLETING AND PRODUCING THE WELL.

28 (B) PLAN.--DURING AND AFTER EARTHMOVING OR SOIL DISTURBING  
29 ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, ACTIVITIES RELATED TO  
30 SITING, DRILLING, COMPLETING, PRODUCING AND PLUGGING THE WELL,

1 EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE IMPLEMENTED  
2 IN ACCORDANCE WITH AN EROSION AND SEDIMENTATION CONTROL PLAN  
3 PREPARED IN ACCORDANCE WITH THE ACT OF JUNE 22, 1937 (P.L.1987,  
4 NO.394), KNOWN AS THE CLEAN STREAMS LAW.

5 (C) PITS, DRILLING SUPPLIES AND EQUIPMENT.--WITHIN NINE  
6 MONTHS AFTER COMPLETION OF DRILLING OF A WELL, THE OWNER OR  
7 OPERATOR SHALL RESTORE THE WELL SITE, REMOVE OR FILL ALL PITS  
8 USED TO CONTAIN PRODUCED FLUIDS OR INDUSTRIAL WASTES AND REMOVE  
9 ALL DRILLING SUPPLIES AND EQUIPMENT NOT NEEDED FOR PRODUCTION.  
10 DRILLING SUPPLIES AND EQUIPMENT NOT NEEDED FOR PRODUCTION MAY BE  
11 STORED ON THE WELL SITE IF EXPRESS WRITTEN CONSENT OF THE  
12 SURFACE LANDOWNER IS OBTAINED.

13 (D) ITEMS RELATED TO PRODUCTION OR STORAGE.--WITHIN NINE  
14 MONTHS AFTER PLUGGING A WELL, THE OWNER OR OPERATOR SHALL REMOVE  
15 ALL PRODUCTION OR STORAGE FACILITIES, SUPPLIES AND EQUIPMENT AND  
16 RESTORE THE WELL SITE.

17 (E) CLEAN STREAMS LAW.--RESTORATION ACTIVITIES REQUIRED BY  
18 THIS CHAPTER OR IN REGULATIONS PROMULGATED UNDER THIS CHAPTER  
19 SHALL ALSO COMPLY WITH ALL APPLICABLE PROVISIONS OF THE CLEAN  
20 STREAMS LAW.

21 (F) VIOLATION OF CHAPTER.--FAILURE TO RESTORE THE WELL SITE  
22 AS REQUIRED IN THIS CHAPTER OR REGULATIONS PROMULGATED UNDER  
23 THIS CHAPTER CONSTITUTES A VIOLATION OF THIS CHAPTER.

24 (G) EXTENSION.--

25 (1) THE RESTORATION PERIOD MAY BE EXTENDED BY THE  
26 DEPARTMENT FOR AN ADDITIONAL PERIOD OF TIME NOT TO EXCEED TWO  
27 YEARS UPON DEMONSTRATION BY THE WELL OWNER OR OPERATOR THAT:

28 (I) THE EXTENSION WILL RESULT IN LESS EARTH  
29 DISTURBANCE, INCREASED WATER REUSE OR MORE EFFICIENT  
30 DEVELOPMENT OF THE RESOURCES; OR

1           (II) SITE RESTORATION CANNOT BE ACHIEVED DUE TO  
2           ADVERSE WEATHER CONDITIONS OR A LACK OF ESSENTIAL FUEL,  
3           EQUIPMENT OR LABOR.

4           (2) THE DEMONSTRATION UNDER PARAGRAPH (1) SHALL DO ALL  
5           OF THE FOLLOWING:

6           (I) INCLUDE A SITE RESTORATION PLAN THAT SHALL  
7           PROVIDE FOR:

8                   (A) THE TIMELY REMOVAL OR FILL OF ALL PITS USED  
9                   TO CONTAIN PRODUCED FLUIDS OR INDUSTRIAL WASTES;

10                   (B) THE REMOVAL OF ALL DRILLING SUPPLIES AND  
11                   EQUIPMENT NOT NEEDED FOR PRODUCTION;

12                   (C) THE STABILIZATION OF THE WELL SITE THAT  
13                   SHALL INCLUDE INTERIM POSTCONSTRUCTION STORM WATER  
14                   MANAGEMENT BEST MANAGEMENT PRACTICES; OR

15                   (D) OTHER MEASURES TO BE EMPLOYED TO MINIMIZE  
16                   ACCELERATED EROSION AND SEDIMENTATION IN ACCORDANCE  
17                   WITH THE CLEAN STREAMS LAW.

18           (II) PROVIDE FOR RETURNING THE PORTIONS OF THE SITE  
19           NOT OCCUPIED BY PRODUCTION FACILITIES OR EQUIPMENT TO  
20           APPROXIMATE ORIGINAL CONTOURS AND MAKING THEM CAPABLE OF  
21           SUPPORTING THE USES THAT EXISTED PRIOR TO DRILLING THE  
22           WELL.

23           (3) THE DEPARTMENT MAY CONDITION AN EXTENSION UNDER THIS  
24           SUBSECTION AS IS NECESSARY IN ACCORDANCE WITH THE CLEAN  
25           STREAMS LAW.

26 § 3217. PROTECTION OF FRESH GROUNDWATER AND CASING  
27           REQUIREMENTS.

28           (A) GENERAL RULE.--TO AID IN PROTECTION OF FRESH  
29           GROUNDWATER, WELL OPERATORS SHALL CONTROL AND DISPOSE OF BRINES  
30           PRODUCED FROM THE DRILLING, ALTERATION OR OPERATION OF AN OIL OR

1 GAS WELL IN A MANNER CONSISTENT WITH THE ACT OF JUNE 22, 1937  
2 (P.L.1987, NO.394), KNOWN AS THE CLEAN STREAMS LAW, OR ANY RULE  
3 OR REGULATION PROMULGATED UNDER THE CLEAN STREAMS LAW.

4 (B) CASING.--TO PREVENT MIGRATION OF GAS OR FLUIDS INTO  
5 SOURCES OF FRESH GROUNDWATER AND POLLUTION OR DIMINUTION OF  
6 FRESH GROUNDWATER, A STRING OR STRINGS OF CASING SHALL BE RUN  
7 AND PERMANENTLY CEMENTED IN EACH WELL DRILLED THROUGH THE FRESH  
8 WATER-BEARING STRATA TO A DEPTH AND IN A MANNER PRESCRIBED BY  
9 REGULATION BY THE DEPARTMENT.

10 (C) PROCEDURE WHEN COAL HAS BEEN REMOVED.--IF A WELL IS  
11 DRILLED AT A LOCATION WHERE COAL HAS BEEN REMOVED FROM ONE OR  
12 MORE COAL SEAMS, THE WELL SHALL BE DRILLED AND CASED TO PREVENT  
13 MIGRATION OF GAS OR FLUIDS INTO THE SEAM FROM WHICH COAL HAS  
14 BEEN REMOVED IN A MANNER PRESCRIBED BY REGULATION OF THE  
15 DEPARTMENT. THE DEPARTMENT AND THE COAL OPERATOR, OWNER OR  
16 LESSEE SHALL BE GIVEN AT LEAST 72 HOURS' NOTICE PRIOR TO  
17 COMMENCEMENT OF WORK PROTECTING THE MINE.

18 (D) PROCEDURE WHEN COAL HAS NOT BEEN REMOVED.--IF A WELL IS  
19 DRILLED AT A LOCATION WHERE THE COAL SEAM HAS NOT BEEN REMOVED,  
20 THE WELL SHALL BE DRILLED TO A DEPTH AND OF A SIZE SUFFICIENT TO  
21 PERMIT PLACEMENT OF CASING, PACKERS IN AND VENTS ON THE HOLE AT  
22 THE POINTS AND IN THE MANNER PRESCRIBED BY REGULATION TO EXCLUDE  
23 GAS OR FLUIDS FROM THE COAL SEAM, EXCEPT GAS OR FLUIDS FOUND  
24 NATURALLY IN THE SEAM ITSELF, AND TO ENABLE MONITORING THE  
25 INTEGRITY OF THE PRODUCTION CASING.

26 § 3218. PROTECTION OF WATER SUPPLIES.

27 (A) GENERAL RULE.--IN ADDITION TO THE REQUIREMENTS OF  
28 SUBSECTION (C.1), A WELL OPERATOR WHO AFFECTS A PUBLIC OR  
29 PRIVATE WATER SUPPLY BY POLLUTION OR DIMINUTION SHALL RESTORE OR  
30 REPLACE THE AFFECTED SUPPLY WITH AN ALTERNATE SOURCE OF WATER

1 ADEQUATE IN QUANTITY OR QUALITY FOR THE PURPOSES SERVED BY THE  
2 SUPPLY. THE DEPARTMENT SHALL ENSURE THE RESTORED OR REPLACED  
3 WATER SUPPLY MEETS THE APPLICABLE WATER QUALITY STANDARDS  
4 CONSISTENT WITH THE SAFE DRINKING WATER ACT (PUBLIC LAW 93-523,  
5 21 U.S.C. § 349 AND 42 U.S.C. §§ 201 AND 300F ET SEQ.), THE ACT  
6 OF MAY 1, 1984 (P.L.206, NO.43), KNOWN AS THE PENNSYLVANIA SAFE  
7 DRINKING WATER ACT, AND PREDRILLING OR ALTERATION WATER QUALITY  
8 STANDARDS AS DETERMINED BY THE DEPARTMENT. THE ENVIRONMENTAL  
9 QUALITY BOARD SHALL PROMULGATE REGULATIONS NECESSARY TO MEET THE  
10 REQUIREMENTS OF THIS SUBSECTION.

11 (B) POLLUTION OR DIMINUTION OF WATER SUPPLY.--A LANDOWNER OR  
12 WATER PURVEYOR SUFFERING POLLUTION OR DIMINUTION OF A WATER  
13 SUPPLY AS A RESULT OF THE DRILLING, ALTERATION OR OPERATION OF  
14 AN OIL OR GAS WELL MAY SO NOTIFY THE DEPARTMENT AND REQUEST THAT  
15 AN INVESTIGATION BE CONDUCTED. WITHIN TEN DAYS OF NOTIFICATION,  
16 THE DEPARTMENT SHALL INVESTIGATE THE CLAIM AND MAKE A  
17 DETERMINATION WITHIN 45 DAYS FOLLOWING NOTIFICATION. IF THE  
18 DEPARTMENT FINDS THAT THE POLLUTION OR DIMINUTION WAS CAUSED BY  
19 DRILLING, ALTERATION OR OPERATION ACTIVITIES OR IF IT PRESUMES  
20 THE WELL OPERATOR RESPONSIBLE FOR POLLUTION UNDER SUBSECTION  
21 (C), THE DEPARTMENT SHALL ISSUE ORDERS TO THE WELL OPERATOR  
22 NECESSARY TO ASSURE COMPLIANCE WITH SUBSECTION (A), INCLUDING  
23 ORDERS REQUIRING TEMPORARY REPLACEMENT OF A WATER SUPPLY WHERE  
24 IT IS DETERMINED THAT POLLUTION OR DIMINUTION MAY BE OF LIMITED  
25 DURATION.

26 (B.1) SURVEY.--UPON A WRITTEN REQUEST BY ANY LANDOWNER  
27 RESIDING WITHIN 5,500 FEET BUT FARTHER THAN 2,500 FEET OF A  
28 PROPOSED GAS WELL USING HYDRAULIC FRACTURING, THE WELL PERMIT  
29 APPLICANT SHALL CONDUCT A PREDRILLING OR PREALTERATION SURVEY,  
30 USING A FACILITY OR LABORATORY CERTIFIED BY THE DEPARTMENT, AND

1 SEND A COPY OF THE SURVEY BY CERTIFIED MAIL TO THE REQUESTER. A  
2 PREDRILLING OR PREALTERATION SURVEY SHALL PROVIDE AT A MINIMUM  
3 THE TESTING RESULTS FOR CHEMICALS OR CHEMICAL COMPOUNDS KNOWN TO  
4 BE COMMONLY USED FOR HYDRAULIC FRACTURING, INCLUDING ALL MAJOR  
5 CATIONS AND ANIONS, ARSENIC, BENZENE, TOLUENE, ETHYLBENZENE,  
6 XYLENES, MANGANESE, DISSOLVED METHANE, TOTAL DISSOLVED SOLIDS,  
7 CHLORIDES, NUTRIENTS AND RADIONUCLIDES.

8 (B.2) TELEPHONE NUMBER.--THE DEPARTMENT SHALL ESTABLISH A  
9 SINGLE STATEWIDE TOLL-FREE TELEPHONE NUMBER THAT PERSONS MAY USE  
10 TO REPORT CASES OF WATER CONTAMINATION. THE STATEWIDE TOLL-FREE  
11 TELEPHONE NUMBER SHALL BE PROVIDED IN A CONSPICUOUS MANNER IN  
12 THE NOTIFICATION REQUIRED UNDER SECTION 201(B) AND ON THE  
13 DEPARTMENT'S INTERNET WEBSITE.

14 (B.3) RESPONSES.--THE DEPARTMENT SHALL DEVELOP APPROPRIATE  
15 ADMINISTRATIVE RESPONSES TO CALLS RECEIVED ON THE STATEWIDE  
16 TOLL-FREE NUMBER FOR WATER CONTAMINATION.

17 (B.4) WEBSITE.--THE DEPARTMENT SHALL ESTABLISH A WEBSITE  
18 THAT LISTS THE CONFIRMED CASES OF WATER SUPPLY CONTAMINATION  
19 THAT RESULT FROM HYDRAULIC FRACTURING.

20 (C) PRESUMPTION.--UNLESS REBUTTED BY A DEFENSE ESTABLISHED  
21 IN SUBSECTION (D), IT SHALL BE PRESUMED THAT A WELL OPERATOR IS  
22 RESPONSIBLE FOR POLLUTION OF A WATER SUPPLY IF:

23 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2):

24 (I) THE WATER SUPPLY IS WITHIN 1,000 FEET OF AN OIL  
25 OR GAS WELL; AND

26 (II) THE POLLUTION OCCURRED WITHIN SIX MONTHS AFTER  
27 COMPLETION OF DRILLING OR ALTERATION OF THE OIL OR GAS  
28 WELL; OR

29 (2) IN THE CASE OF AN UNCONVENTIONAL WELL:

30 (I) THE WATER SUPPLY IS WITHIN 2,500 FEET OF THE

1 UNCONVENTIONAL WELL; AND

2 (II) THE POLLUTION OCCURRED WITHIN 12 MONTHS OF THE  
3 LATER OF COMPLETION, DRILLING OR ALTERATION OF THE  
4 UNCONVENTIONAL WELL.

5 (D) DEFENSES.--TO REBUT THE PRESUMPTION ESTABLISHED UNDER  
6 SUBSECTION (C), A WELL OPERATOR MUST AFFIRMATIVELY PROVE ANY OF  
7 THE FOLLOWING:

8 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2):

9 (I) THE POLLUTION EXISTED PRIOR TO THE DRILLING OR  
10 ALTERATION ACTIVITY AS DETERMINED BY A PREDRILLING OR  
11 PREALTERATION SURVEY;

12 (II) THE LANDOWNER OR WATER PURVEYOR REFUSED TO  
13 ALLOW THE OPERATOR ACCESS TO CONDUCT A PREDRILLING OR  
14 PREALTERATION SURVEY;

15 (III) THE WATER SUPPLY IS NOT WITHIN 1,000 FEET OF  
16 THE WELL;

17 (IV) THE POLLUTION OCCURRED MORE THAN SIX MONTHS  
18 AFTER COMPLETION OF DRILLING OR ALTERATION ACTIVITIES;

19 AND

20 (V) THE POLLUTION OCCURRED AS THE RESULT OF A CAUSE  
21 OTHER THAN THE DRILLING OR ALTERATION ACTIVITY; OR

22 (2) IN THE CASE OF AN UNCONVENTIONAL WELL:

23 (I) THE POLLUTION EXISTED PRIOR TO THE DRILLING OR  
24 ALTERATION ACTIVITY AS DETERMINED BY A PREDRILLING OR  
25 PREALTERATION SURVEY;

26 (II) THE LANDOWNER OR WATER PURVEYOR REFUSED TO  
27 ALLOW THE OPERATOR ACCESS TO CONDUCT A PREDRILLING OR  
28 PREALTERATION SURVEY;

29 (III) THE WATER SUPPLY IS NOT WITHIN 2,500 FEET OF  
30 THE WELL; AND



1           (IV) THE POLLUTION OCCURRED MORE THAN 12 MONTHS  
2           AFTER COMPLETION OF DRILLING OR ALTERATION ACTIVITIES.

3           (E) INDEPENDENT CERTIFIED LABORATORY.--AN OPERATOR ELECTING  
4 TO PRESERVE A DEFENSE UNDER SUBSECTION (D) (1) OR (2) SHALL  
5 RETAIN AN INDEPENDENT CERTIFIED LABORATORY TO CONDUCT A  
6 PREDRILLING OR PREALTERATION SURVEY OF THE WATER SUPPLY. A COPY  
7 OF SURVEY RESULTS SHALL BE SUBMITTED TO THE DEPARTMENT AND THE  
8 LANDOWNER OR WATER PURVEYOR IN THE MANNER PRESCRIBED BY THE  
9 DEPARTMENT.

10          (E.1) NOTICE.--AN OPERATOR MUST PROVIDE WRITTEN NOTICE TO  
11 THE LANDOWNER OR WATER PURVEYOR INDICATING THAT THE PRESUMPTION  
12 ESTABLISHED UNDER SUBSECTION (C) MAY BE VOID IF THE LANDOWNER OR  
13 WATER PURVEYOR REFUSED TO ALLOW THE OPERATOR ACCESS TO CONDUCT A  
14 PREDRILLING OR PREALTERATION SURVEY.

15          (F) OTHER REMEDIES PRESERVED.--NOTHING IN THIS SECTION SHALL  
16 PREVENT A LANDOWNER OR WATER PURVEYOR CLAIMING POLLUTION OR  
17 DIMINUTION OF A WATER SUPPLY FROM SEEKING ANY OTHER REMEDY AT  
18 LAW OR IN EQUITY.

19          § 3219. USE OF SAFETY DEVICES.

20          ANY PERSON ENGAGED IN DRILLING AN OIL OR GAS WELL SHALL EQUIP  
21 IT WITH CASINGS OF SUFFICIENT STRENGTH, AND OTHER SAFETY DEVICES  
22 AS ARE NECESSARY, IN THE MANNER PRESCRIBED BY REGULATION OF THE  
23 DEPARTMENT, AND SHALL USE EVERY EFFORT AND ENDEAVOR EFFECTIVELY  
24 TO PREVENT BLOWOUTS, EXPLOSIONS AND FIRES.

25          § 3219.1. WELL CONTROL EMERGENCY RESPONSE.

26          (A) CONTRACTS.--THE DEPARTMENT MAY ENTER INTO CONTRACTS WITH  
27 WELL CONTROL SPECIALISTS IN ORDER TO PROVIDE ADEQUATE EMERGENCY  
28 RESPONSE SERVICES IN THE EVENT OF A WELL CONTROL EMERGENCY.

29          (B) CIVIL IMMUNITY.--EXCEPT AS SET FORTH IN SUBSECTION (C),  
30 A WELL CONTROL SPECIALIST WITH WHICH THE DEPARTMENT HAS ENTERED

1 INTO A CONTRACT UNDER SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL  
2 LIABILITY FOR ACTIONS TAKEN IN GOOD FAITH TO CARRY OUT ITS  
3 CONTRACTUAL OBLIGATIONS.

4 (C) NONAPPLICABILITY.--SUBSECTION (B) SHALL NOT APPLY TO  
5 DAMAGE ARISING FROM ANY OF THE FOLLOWING:

6 (1) BREACH OF THE CONTRACT UNDER SUBSECTION (A).

7 (2) AN INTENTIONAL TORT.

8 (3) GROSS NEGLIGENCE.

9 § 3220. PLUGGING REQUIREMENTS.

10 (A) GENERAL RULE.--UPON ABANDONING A WELL, THE OWNER OR  
11 OPERATOR SHALL PLUG IT IN THE MANNER PRESCRIBED BY REGULATION OF  
12 THE DEPARTMENT TO STOP VERTICAL FLOW OF FLUIDS OR GAS WITHIN THE  
13 WELL BORE, UNLESS THE DEPARTMENT HAS GRANTED INACTIVE STATUS FOR  
14 THE WELL OR IT HAS BEEN APPROVED BY THE DEPARTMENT AS AN ORPHAN  
15 WELL. IF THE DEPARTMENT DETERMINES THAT A PRIOR OWNER OR  
16 OPERATOR RECEIVED ECONOMIC BENEFIT, OTHER THAN ECONOMIC BENEFIT  
17 DERIVED ONLY AS A LANDOWNER OR FROM A ROYALTY INTEREST, AFTER  
18 APRIL 18, 1979, FROM AN ORPHAN WELL OR AN UNREGISTERED WELL, THE  
19 OWNER OR OPERATOR SHALL BE RESPONSIBLE FOR PLUGGING THE WELL. IN  
20 THE CASE OF A GAS WELL PENETRATING A WORKABLE COAL SEAM WHICH  
21 WAS DRILLED PRIOR TO JANUARY 30, 1956, OR WHICH WAS PERMITTED  
22 AFTER THAT DATE BUT NOT PLUGGED IN ACCORDANCE WITH THIS CHAPTER,  
23 IF THE OWNER OR OPERATOR OR A COAL OPERATOR OR AN AGENT PROPOSES  
24 TO PLUG THE WELL TO ALLOW MINING THROUGH IT, THE GAS WELL SHALL  
25 BE CLEANED TO A DEPTH OF AT LEAST 200 FEET BELOW THE COAL SEAM  
26 THROUGH WHICH MINING IS PROPOSED AND, UNLESS IMPRACTICABLE, TO A  
27 POINT 200 FEET BELOW THE DEEPEST MINEABLE COAL SEAM. THE GAS  
28 WELL SHALL BE PLUGGED FROM THAT DEPTH IN ACCORDANCE WITH SECTION  
29 13 OF THE ACT OF DECEMBER 18, 1984 (P.L.1069, NO.214), KNOWN AS  
30 THE COAL AND GAS RESOURCE COORDINATION ACT, AND THE REGULATIONS

1 OF THE DEPARTMENT.

2 (B) AREAS UNDERLAIN BY COAL.--PRIOR TO THE PLUGGING AND  
3 ABANDONMENT OF A WELL IN AN AREA UNDERLAIN BY A WORKABLE COAL  
4 SEAM, THE WELL OPERATOR OR OWNER SHALL NOTIFY THE DEPARTMENT AND  
5 THE COAL OPERATOR, LESSEE OR OWNER AND SUBMIT A PLAT, ON A FORM  
6 TO BE FURNISHED BY THE DEPARTMENT, SHOWING THE LOCATION OF THE  
7 WELL AND FIXING THE DATE AND TIME PLUGGING WILL COMMENCE, WHICH  
8 SHALL BE NOT LESS THAN THREE WORKING DAYS, NOR MORE THAN 30  
9 DAYS, AFTER THE NOTICE IS RECEIVED, TO PERMIT REPRESENTATIVES OF  
10 THE PERSONS NOTIFIED TO BE PRESENT AT THE PLUGGING. NOTICE AND  
11 THE RIGHT TO BE PRESENT MAY BE WAIVED BY THE DEPARTMENT AND THE  
12 COAL OPERATOR, LESSEE OR OWNER, BUT WAIVER BY THE COAL OPERATOR,  
13 LESSEE OR OWNER SHALL BE IN WRITING AND A COPY SHALL BE ATTACHED  
14 TO THE NOTICE OF ABANDONMENT FILED WITH THE DEPARTMENT UNDER  
15 THIS SECTION. WHETHER OR NOT REPRESENTATIVES ATTEND, IF THE WELL  
16 OPERATOR HAS FULLY COMPLIED WITH THIS SECTION, THE WELL OPERATOR  
17 MAY PROCEED, AT THE TIME FIXED, TO PLUG THE WELL IN THE MANNER  
18 PRESCRIBED BY REGULATION OF THE DEPARTMENT. WHEN PLUGGING HAS  
19 BEEN COMPLETED, A CERTIFICATE SHALL BE PREPARED AND SIGNED, ON A  
20 FORM TO BE FURNISHED BY THE DEPARTMENT, BY TWO EXPERIENCED AND  
21 QUALIFIED PEOPLE WHO PARTICIPATED IN THE WORK SETTING FORTH THE  
22 TIME AND MANNER IN WHICH THE WELL WAS PLUGGED. ONE COPY OF THE  
23 CERTIFICATE SHALL BE MAILED TO EACH COAL OPERATOR, LESSEE OR  
24 OWNER TO WHOM NOTICE WAS GIVEN BY CERTIFIED MAIL AND ANOTHER  
25 SHALL BE MAILED TO THE DEPARTMENT.

26 (C) ABANDONED WELLS.--PRIOR TO ABANDONMENT OF A WELL, EXCEPT  
27 AN UNCOMPLETED BORE HOLE PLUGGED IMMEDIATELY UPON SUSPENSION OF  
28 DRILLING IN AN AREA NOT UNDERLAIN BY A WORKABLE COAL SEAM, THE  
29 WELL OPERATOR SHALL NOTIFY THE DEPARTMENT OF THE INTENTION TO  
30 PLUG AND ABANDON THE WELL AND SUBMIT A PLAT, ON A FORM TO BE

1 FURNISHED BY THE DEPARTMENT, SHOWING THE LOCATION OF THE WELL  
2 AND FIXING THE DATE AND TIME AT WHICH PLUGGING WILL COMMENCE,  
3 WHICH SHALL BE NOT LESS THAN THREE WORKING DAYS, NOR MORE THAN  
4 30 DAYS, AFTER THE NOTICE IS RECEIVED, TO PERMIT A DEPARTMENT  
5 REPRESENTATIVE TO BE PRESENT AT THE PLUGGING. THE NOTICE OR  
6 WAITING PERIOD MAY BE VERBALLY WAIVED BY THE DEPARTMENT. IN  
7 NONCOAL AREAS WHERE MORE THAN ONE WELL HAS BEEN DRILLED AS PART  
8 OF THE SAME DEVELOPMENT PROJECT AND THE WELLS ARE NOW TO BE  
9 PLUGGED, THE DEPARTMENT SHALL BE GIVEN THREE WORKING DAYS'  
10 NOTICE PRIOR TO PLUGGING THE FIRST WELL OF THE PROJECT, SUBJECT  
11 TO WAIVER OF NOTICE DESCRIBED IN SUBSECTION (B). IN THE PLUGGING  
12 OF SUBSEQUENT WELLS, NO ADDITIONAL NOTICE SHALL BE REQUIRED IF  
13 PLUGGING ON THE PROJECT IS CONTINUOUS. IF PLUGGING OF SUBSEQUENT  
14 WELLS IS DELAYED FOR ANY REASON, NOTICE SHALL BE GIVEN TO THE  
15 DEPARTMENT OF CONTINUATION OF THE PROJECT. WHETHER OR NOT A  
16 REPRESENTATIVE ATTENDS, IF THE WELL OPERATOR HAS FULLY COMPLIED  
17 WITH THIS SECTION, THE WELL OPERATOR MAY PROCEED, AT THE TIME  
18 FIXED, TO PLUG THE WELL IN THE MANNER PRESCRIBED BY REGULATION  
19 OF THE DEPARTMENT. WHEN PLUGGING HAS BEEN COMPLETED, A  
20 CERTIFICATE SHALL BE PREPARED, ON A FORM TO BE FURNISHED BY THE  
21 DEPARTMENT, BY TWO EXPERIENCED AND QUALIFIED PEOPLE WHO  
22 PARTICIPATED IN THE WORK SETTING FORTH THE TIME AND MANNER IN  
23 WHICH THE WELL WAS PLUGGED. A COPY OF THE CERTIFICATE SHALL BE  
24 MAILED TO THE DEPARTMENT.

25 (D) WELLS ABANDONED UPON COMPLETION OF DRILLING.--IF A WELL  
26 IS TO BE ABANDONED IMMEDIATELY AFTER COMPLETION OF DRILLING, THE  
27 WELL OPERATOR SHALL GIVE AT LEAST 24 HOURS' NOTICE BY TELEPHONE,  
28 CONFIRMED BY CERTIFIED MAIL, TO THE DEPARTMENT AND TO THE COAL  
29 OPERATOR, LESSEE OR OWNER, IF ANY, FIXING THE DATE AND TIME WHEN  
30 PLUGGING WILL COMMENCE. NOTICE AND THE RIGHT TO BE PRESENT MAY

1 BE WAIVED BY THE DEPARTMENT AND THE COAL OPERATOR, LESSEE OR  
2 OWNER, IF ANY. WHETHER OR NOT REPRESENTATIVES OF THE DEPARTMENT  
3 OR COAL OPERATOR, LESSEE OR OWNER, IF ANY, ATTEND, IF THE WELL  
4 OPERATOR HAS FULLY COMPLIED WITH THE REQUIREMENTS OF THIS  
5 SECTION, THE WELL OPERATOR MAY PROCEED, AT THE TIME FIXED, TO  
6 PLUG THE WELL IN THE MANNER PROVIDED BY REGULATION OF THE  
7 DEPARTMENT. THE WELL OPERATOR SHALL PREPARE THE CERTIFICATE OF  
8 PLUGGING AND MAIL COPIES OF THE SAME AS PROVIDED IN SUBSECTION  
9 (B).

10 (E) ORPHAN WELLS.--IF A WELL IS AN ORPHAN WELL OR ABANDONED  
11 WITHOUT PLUGGING, OR IF A WELL IS IN OPERATION BUT NOT  
12 REGISTERED UNDER SECTION 3213 (RELATING TO WELL REGISTRATION AND  
13 IDENTIFICATION), THE DEPARTMENT MAY ENTER UPON THE WELL SITE AND  
14 PLUG THE WELL AND TO SELL EQUIPMENT, CASING AND PIPE AT THE SITE  
15 WHICH MAY HAVE BEEN USED IN PRODUCTION OF THE WELL IN ORDER TO  
16 RECOVER THE COSTS OF PLUGGING. THE DEPARTMENT SHALL MAKE AN  
17 EFFORT TO DETERMINE OWNERSHIP OF A WELL WHICH IS IN OPERATION  
18 BUT HAS NOT BEEN REGISTERED AND PROVIDE WRITTEN NOTICE TO THE  
19 OWNER OF PENDING ACTION UNDER THIS SUBSECTION. IF THE DEPARTMENT  
20 CANNOT DETERMINE OWNERSHIP WITHIN 30 DAYS, IT MAY PROCEED UNDER  
21 THIS SUBSECTION. COSTS OF PLUGGING SHALL HAVE PRIORITY OVER ALL  
22 LIENS ON EQUIPMENT, CASING AND PIPE, AND THE SALE SHALL BE FREE  
23 AND CLEAR OF THOSE LIENS TO THE EXTENT THAT THE COST OF PLUGGING  
24 EXCEEDS THE SALE PRICE. IF THE AMOUNT OBTAINED FOR CASING AND  
25 PIPE SALVAGED AT THE SITE IS INADEQUATE TO PAY FOR PLUGGING, THE  
26 OWNER OR OPERATOR OF THE ABANDONED OR UNREGISTERED WELL SHALL BE  
27 LIABLE FOR THE ADDITIONAL COSTS.

28 (F) DEFINITION.--FOR PURPOSES OF THIS SECTION, THE TERM  
29 "OWNER" DOES NOT INCLUDE THE OWNER OR POSSESSOR OF SURFACE REAL  
30 PROPERTY, ON WHICH AN ABANDONED WELL IS LOCATED, WHO DID NOT

1 PARTICIPATE OR INCUR COSTS IN AND HAD NO RIGHT OF CONTROL OVER  
2 THE DRILLING OR EXTRACTION OPERATION OF THE ABANDONED WELL.  
3 § 3221. ALTERNATIVE METHODS.

4 A WELL OPERATOR MAY REQUEST PERMISSION TO USE A METHOD OR  
5 MATERIAL OTHER THAN THOSE REQUIRED BY THIS CHAPTER FOR CASING,  
6 PLUGGING OR EQUIPPING A WELL IN AN APPLICATION TO THE DEPARTMENT  
7 WHICH DESCRIBES THE PROPOSED ALTERNATIVE IN REASONABLE DETAIL  
8 AND INDICATES THE MANNER IN WHICH IT WILL ACCOMPLISH THE GOALS  
9 OF THIS CHAPTER. NOTICE OF FILING OF THE APPLICATION SHALL BE  
10 GIVEN BY THE WELL OPERATOR BY CERTIFIED MAIL TO ANY AFFECTED  
11 COAL OPERATORS, WHO MAY, WITHIN 15 DAYS AFTER THE NOTICE, FILE  
12 OBJECTIONS TO THE PROPOSED ALTERNATIVE METHOD OR MATERIAL. IF NO  
13 TIMELY OBJECTIONS ARE FILED OR RAISED BY THE DEPARTMENT, THE  
14 DEPARTMENT SHALL DETERMINE WHETHER TO ALLOW USE OF THE PROPOSED  
15 ALTERNATIVE METHOD OR MATERIAL.

16 § 3222. WELL REPORTING REQUIREMENTS.

17 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (A.1),  
18 EACH WELL OPERATOR SHALL FILE WITH THE DEPARTMENT, ON A FORM  
19 PROVIDED BY THE DEPARTMENT, AN ANNUAL REPORT SPECIFYING THE  
20 AMOUNT OF PRODUCTION, ON THE MOST WELL-SPECIFIC BASIS AVAILABLE,  
21 ALONG WITH THE STATUS OF EACH WELL, EXCEPT THAT IN SUBSEQUENT  
22 YEARS ONLY CHANGES IN STATUS MUST BE REPORTED. THE COMMONWEALTH  
23 MAY UTILIZE REPORTED INFORMATION IN ENFORCEMENT PROCEEDINGS, IN  
24 MAKING DESIGNATIONS OR DETERMINATIONS UNDER SECTION 1927-A OF  
25 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE  
26 ADMINISTRATIVE CODE OF 1929, OR IN AGGREGATE FORM FOR  
27 STATISTICAL PURPOSES.

28 (A.1) MARCELLUS SHALE FORMATION WELLS.--EACH OPERATOR OF AN  
29 UNCONVENTIONAL WELL SHALL FILE WITH THE DEPARTMENT, ON A FORM  
30 PROVIDED BY THE DEPARTMENT, A SEMIANNUAL REPORT SPECIFYING THE

1 AMOUNT OF PRODUCTION ON THE MOST WELL-SPECIFIC BASIS AVAILABLE.  
2 THE INITIAL REPORT UNDER THIS SUBSECTION SHALL BE FILED ON OR  
3 BEFORE AUGUST 15, 2010, AND SHALL INCLUDE PRODUCTION DATA FROM  
4 THE PRECEDING CALENDAR YEAR AND SPECIFY THE STATUS OF EACH WELL.  
5 IN SUBSEQUENT REPORTS, ONLY CHANGES IN STATUS MUST BE REPORTED.  
6 SUBSEQUENT SEMIANNUAL REPORTS SHALL BE FILED WITH THE DEPARTMENT  
7 ON OR BEFORE FEBRUARY 15 AND AUGUST 15 OF EACH YEAR AND SHALL  
8 INCLUDE PRODUCTION DATA FROM THE PRECEDING REPORTING PERIOD. THE  
9 COMMONWEALTH MAY UTILIZE REPORTED INFORMATION IN ENFORCEMENT  
10 PROCEEDINGS, IN MAKING DESIGNATIONS OR DETERMINATIONS UNDER  
11 SECTION 1927-A OF THE ADMINISTRATIVE CODE OF 1929 OR IN  
12 AGGREGATE FORM FOR STATISTICAL PURPOSES. BEGINNING NOVEMBER 1,  
13 2010, THE DEPARTMENT SHALL MAKE THE REPORTS AVAILABLE ON ITS  
14 PUBLICLY ACCESSIBLE INTERNET WEBSITE. COSTS INCURRED BY THE  
15 DEPARTMENT TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION  
16 SHALL BE PAID OUT OF THE FEES COLLECTED UNDER SECTION 3211(D)  
17 (RELATING TO WELL PERMITS).

18 (B) COLLECTION OF DATA.--

19 (1) WELL OPERATORS SHALL MAINTAIN A RECORD OF EACH WELL  
20 DRILLED OR ALTERED.

21 (2) A RECORD CONTAINING THE INFORMATION REQUIRED BY THE  
22 DEPARTMENT SHALL BE FILED WITHIN 30 DAYS OF CESSATION OF  
23 DRILLING OF EACH WELL.

24 (3) A COMPLETION REPORT CONTAINING ANY ADDITIONAL  
25 REQUIRED INFORMATION SHALL BE FILED WITHIN 30 DAYS AFTER  
26 COMPLETING THE WELL AND SHALL BE KEPT ON FILE BY THE  
27 DEPARTMENT.

28 (4) (I) THE COMPLETION REPORT SHALL INCLUDE A  
29 STIMULATION RECORD. AT A MINIMUM, THE STIMULATION RECORD  
30 SHALL CONTAIN PUMP RATES, PRESSURES, TOTAL VOLUME USED TO

1 STIMULATE THE WELL, A LIST OF HAZARDOUS AND OTHER  
2 CHEMICALS USED TO STIMULATE THE WELL, VOLUME OF WATER  
3 USED, IDENTIFICATION OF WATER SOURCES USED UNDER A  
4 DEPARTMENT-APPROVED WATER MANAGEMENT PLAN AND DEPTH AT  
5 WHICH POTABLE AQUIFERS ARE ENCOUNTERED DURING DRILLING.  
6 THE WELL OPERATOR MAY DESIGNATE SPECIFIC PORTIONS OF THE  
7 STIMULATION RECORD AS CONTAINING A TRADE SECRET OR  
8 CONFIDENTIAL PROPRIETARY INFORMATION. THE DEPARTMENT  
9 SHALL PREVENT DISCLOSURE OF DESIGNATED CONFIDENTIAL  
10 INFORMATION TO THE EXTENT PERMITTED UNDER THE ACT OF  
11 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-  
12 KNOW LAW.

13 (II) THE COMPLETION REPORT SHALL IDENTIFY:

14 (A) WHETHER METHANE WAS ENCOUNTERED IN OTHER  
15 THAN A TARGET FORMATION; AND

16 (B) THE COUNTRY OF ORIGIN AND MANUFACTURE OF THE  
17 STEEL PRODUCTS USED IN THE CONSTRUCTION OF THE WELL.

18 (III) THE COMPLETION REPORT SHALL BE KEPT ON FILE BY  
19 THE DEPARTMENT AND POSTED ON THE DEPARTMENT'S PUBLICLY  
20 ACCESSIBLE INTERNET WEBSITE.

21 (5) UPON REQUEST OF THE DEPARTMENT, THE WELL OPERATOR  
22 SHALL, WITHIN 90 DAYS OF COMPLETION OR RECOMPLETION OF  
23 DRILLING, SUBMIT A COPY OF ANY ELECTRICAL, RADIOACTIVE OR  
24 OTHER STANDARD INDUSTRY LOGS WHICH HAVE BEEN RUN. NO  
25 INFORMATION UNDER THIS PARAGRAPH SHALL BE REQUIRED UNLESS THE  
26 WELL OPERATOR HAS COMPILED THE INFORMATION IN THE ORDINARY  
27 COURSE OF BUSINESS.

28 (6) UPON REQUEST BY THE DEPARTMENT WITHIN ONE YEAR, THE  
29 WELL OPERATOR SHALL FILE A COPY OF DRILL STEM TEST CHARTS,  
30 FORMATION WATER ANALYSIS, POROSITY, PERMEABILITY OR FLUID



1 SATURATION MEASUREMENTS, CORE ANALYSIS AND LITHOLOGIC LOG OR  
2 SAMPLE DESCRIPTION OR OTHER SIMILAR DATA AS COMPILED. NO  
3 INFORMATION UNDER THIS PARAGRAPH SHALL BE REQUIRED UNLESS THE  
4 WELL OPERATOR HAD IT COMPILED IN THE ORDINARY COURSE OF  
5 BUSINESS, AND INTERPRETATION OF DATA UNDER THIS PARAGRAPH IS  
6 NOT REQUIRED TO BE FILED.

7 (C) DRILL CUTTINGS AND CORE SAMPLES.--UPON NOTIFICATION BY  
8 THE DEPARTMENT PRIOR TO COMMENCEMENT OF DRILLING, THE WELL  
9 OPERATOR SHALL COLLECT ANY ADDITIONAL DATA SPECIFIED BY THE  
10 DEPARTMENT, INCLUDING REPRESENTATIVE DRILL CUTTINGS AND SAMPLES  
11 FROM CORES TAKEN AND ANY OTHER GEOLOGICAL INFORMATION THAT THE  
12 OPERATOR REASONABLY CAN COMPILE. INTERPRETATION OF THE DATA IS  
13 NOT REQUIRED TO BE FILED.

14 (D) RETENTION AND FILING OF DATA.--DATA REQUIRED UNDER  
15 SUBSECTION (B) AND DRILL CUTTINGS REQUIRED UNDER SUBSECTION (C)  
16 SHALL BE RETAINED BY THE WELL OPERATOR AND FILED WITH THE  
17 DEPARTMENT NO MORE THAN THREE YEARS AFTER COMPLETION OF THE  
18 WELL. UPON REQUEST, THE DEPARTMENT SHALL EXTEND THE DEADLINE UP  
19 TO FIVE YEARS FROM THE DATE OF COMPLETION OF THE WELL. THE  
20 DEPARTMENT SHALL BE ENTITLED TO UTILIZE INFORMATION COLLECTED  
21 UNDER THIS SUBSECTION IN ENFORCEMENT PROCEEDINGS, IN MAKING  
22 DESIGNATIONS OR DETERMINATIONS UNDER SECTION 1927-A OF THE  
23 ADMINISTRATIVE CODE OF 1929 AND IN AGGREGATE FORM FOR  
24 STATISTICAL PURPOSES.

25 § 3223. NOTIFICATION AND EFFECT OF WELL TRANSFER.

26 THE OWNER OR OPERATOR OF A WELL SHALL NOTIFY THE DEPARTMENT  
27 IN WRITING WITHIN 30 DAYS, IN A FORM DIRECTED BY REGULATION, OF  
28 SALE, ASSIGNMENT, TRANSFER, CONVEYANCE OR EXCHANGE BY OR TO THE  
29 OWNER OF THE WELL. A TRANSFER SHALL NOT RELIEVE THE WELL OWNER  
30 OR OPERATOR OF AN OBLIGATION ACCRUED UNDER THIS CHAPTER, NOR

1 SHALL IT RELIEVE THE OWNER OR OPERATOR OF AN OBLIGATION TO PLUG  
2 THE WELL UNTIL THE REQUIREMENTS OF SECTION 3225 (RELATING TO  
3 BONDING) HAVE BEEN MET, AT WHICH TIME THE TRANSFERRING OWNER OR  
4 OPERATOR SHALL BE RELIEVED FROM ALL OBLIGATIONS UNDER THIS  
5 CHAPTER, INCLUDING THE OBLIGATION TO PLUG THE WELL.

6 § 3224. COAL OPERATOR RESPONSIBILITIES.

7 (A) GENERAL RULE.--AT ANY TIME PRIOR TO REMOVING COAL OR  
8 OTHER UNDERGROUND MATERIALS FROM, OR EXTENDING THE WORKINGS IN,  
9 A COAL MINE WITHIN 500 FEET OF AN OIL OR GAS WELL OF WHICH THE  
10 COAL OPERATOR HAS KNOWLEDGE, OR WITHIN 500 FEET OF AN APPROVED  
11 WELL LOCATION OF WHICH THE COAL OPERATOR HAS KNOWLEDGE, THE COAL  
12 OPERATOR, BY CERTIFIED MAIL, SHALL FORWARD TO OR FILE WITH THE  
13 WELL OPERATOR AND THE DEPARTMENT A COPY OF THE RELEVANT PART OF  
14 ALL MAPS AND PLANS WHICH IT IS PRESENTLY REQUIRED BY LAW TO  
15 PREPARE AND FILE WITH THE DEPARTMENT, SHOWING THE PILLAR WHICH  
16 THE COAL OPERATOR PROPOSES TO LEAVE IN PLACE AROUND EACH OIL OR  
17 GAS WELL IN THE PROJECTED WORKINGS. THEREAFTER, THE COAL  
18 OPERATOR MAY PROCEED WITH MINING OPERATIONS IN THE MANNER  
19 PROJECTED ON THE MAPS AND PLANS, BUT THE OPERATOR MAY NOT REMOVE  
20 COAL OR CUT A PASSAGEWAY WITHIN 150 FEET OF THE WELL OR APPROVED  
21 WELL LOCATION WITHOUT WRITTEN APPROVAL UNDER THIS SECTION. IF,  
22 IN THE OPINION OF THE WELL OPERATOR OR THE DEPARTMENT, THE PLAN  
23 INDICATES THAT THE PROPOSED PILLAR IS INADEQUATE TO PROTECT  
24 EITHER THE INTEGRITY OF THE WELL OR PUBLIC HEALTH AND SAFETY,  
25 THE AFFECTED WELL OPERATOR SHALL ATTEMPT TO REACH AN AGREEMENT  
26 WITH THE COAL OPERATOR ON A SUITABLE PILLAR, SUBJECT TO APPROVAL  
27 OF THE DEPARTMENT. UPON FAILURE TO AGREE, THE WELL OPERATOR MAY,  
28 WITHIN TEN DAYS AFTER RECEIPT OF THE PROPOSED PLAN UNDER THIS  
29 SECTION, FILE OBJECTIONS UNDER SECTION 3251 (RELATING TO  
30 CONFERENCES), INDICATING THE SIZE OF THE PILLAR TO BE LEFT AS TO

1 EACH WELL. IF OBJECTIONS ARE NOT TIMELY FILED AND THE DEPARTMENT  
2 HAS NONE, THE DEPARTMENT SHALL GRANT APPROVAL, RECITING THAT  
3 MAPS AND PLANS HAVE BEEN FILED, NO OBJECTIONS HAVE BEEN MADE  
4 THERE TO AND THE PILLAR PROPOSED TO BE LEFT FOR EACH WELL IS  
5 APPROVED IN THE MANNER AS PROJECTED.

6 (B) OBJECTIONS.--IF AN OBJECTION IS FILED BY THE WELL  
7 OPERATOR OR RAISED BY THE DEPARTMENT, THE DEPARTMENT SHALL ORDER  
8 THAT A CONFERENCE BE HELD UNDER SECTION 3251 WITHIN TEN DAYS OF  
9 THE FILING OF OBJECTIONS. AT THE CONFERENCE, THE COAL OPERATOR  
10 AND THE PERSON WHO HAS OBJECTED SHALL ATTEMPT TO AGREE ON A  
11 PROPOSED PLAN, SHOWING THE PILLAR TO BE LEFT AROUND EACH WELL,  
12 WHICH WILL SATISFY THE OBJECTIONS AND RECEIVE DEPARTMENT  
13 APPROVAL. IF AN AGREEMENT IS REACHED, THE DEPARTMENT SHALL GRANT  
14 APPROVAL TO THE COAL OPERATOR, RECITING THAT A PLAN HAS BEEN  
15 FILED AND THE PILLAR TO BE LEFT FOR EACH WELL IS APPROVED  
16 PURSUANT TO THE AGREEMENT. IF AN AGREEMENT IS NOT REACHED ON A  
17 PLAN SHOWING THE PILLAR TO BE LEFT WITH RESPECT TO A WELL, THE  
18 DEPARTMENT, BY APPROPRIATE ORDER, SHALL DETERMINE THE PILLAR TO  
19 BE LEFT WITH RESPECT TO THE WELL. IN A PROCEEDING UNDER THIS  
20 SECTION, THE DEPARTMENT SHALL FOLLOW AS NEARLY AS IS POSSIBLE  
21 THE ORIGINAL PLAN FILED BY THE COAL OPERATOR. THE DEPARTMENT  
22 SHALL NOT REQUIRE THE COAL OPERATOR TO LEAVE A PILLAR IN EXCESS  
23 OF 100 FEET IN RADIUS, EXCEPT THAT THE DEPARTMENT MAY REQUIRE A  
24 PILLAR OF UP TO 150 FEET IN RADIUS IF THE EXISTENCE OF UNUSUAL  
25 CONDITIONS IS ESTABLISHED. PILLARS DETERMINED BY THE DEPARTMENT  
26 SHALL BE SHOWN ON MAPS OR PLANS ON FILE WITH THE DEPARTMENT AS  
27 PROVIDED IN SUBSECTION (A), AND THE DEPARTMENT SHALL APPROVE THE  
28 PILLAR TO BE LEFT FOR EACH WELL.

29 (C) PILLARS OF REDUCED SIZE.--APPLICATION MAY BE MADE AT ANY  
30 TIME TO THE DEPARTMENT BY THE COAL OPERATOR TO LEAVE A PILLAR OF

1 A SIZE SMALLER THAN SHOWN ON THE PLAN APPROVED OR DETERMINED BY  
2 THE DEPARTMENT UNDER THIS SECTION. IF AN APPLICATION IS FILED,  
3 THE DEPARTMENT SHALL:

4 (1) FOLLOW THE APPROPRIATE PROCEDURE UNDER SUBSECTION  
5 (A) OR (B);

6 (2) BY APPROPRIATE ORDER, DETERMINE A PLAN INVOLVING A  
7 PILLAR OF A SMALLER SIZE AS TO ANY WELL COVERED BY THE  
8 APPLICATION; AND

9 (3) GRANT APPROVAL FOR THE PILLAR TO BE LEFT WITH  
10 RESPECT TO EACH WELL.

11 (D) VIOLATION.--NO COAL OPERATOR, WITHOUT WRITTEN APPROVAL  
12 OF THE DEPARTMENT AFTER NOTICE AND OPPORTUNITY FOR A HEARING  
13 UNDER THIS SECTION, SHALL REMOVE COAL OR CUT A PASSAGEWAY SO AS  
14 TO LEAVE A PILLAR OF SMALLER SIZE, WITH RESPECT TO AN OIL OR GAS  
15 WELL, THAN THAT APPROVED BY THE DEPARTMENT UNDER THIS CHAPTER.

16 (E) LIMITATION.--WITH REGARD TO A COAL PILLAR REQUIRED BY  
17 LAW TO BE LEFT AROUND A WELL DRILLED PRIOR TO APRIL 18, 1985,  
18 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO:

19 (1) REQUIRE A WELL OPERATOR TO PAY FOR THE COAL PILLAR;

20 (2) AFFECT A RIGHT WHICH A COAL OPERATOR MAY HAVE HAD  
21 PRIOR TO APRIL 18, 1985, TO OBTAIN PAYMENT FOR THE COAL  
22 PILLAR; OR

23 (3) AFFECT A DUTY OR RIGHT WHICH A STORAGE OPERATOR OR  
24 LANDOWNER MAY HAVE HAD PRIOR TO APRIL 18, 1985, TO PAY OR NOT  
25 PAY FOR THE COAL PILLAR.

26 (F) MINING THROUGH PLUGGED WELLS.--A COAL OPERATOR WHO  
27 INTENDS TO MINE THROUGH A PLUGGED OIL OR GAS WELL OR OTHERWISE  
28 COMPLETELY REMOVE ANY PILLAR FROM AROUND THAT WELL SHALL FILE A  
29 PLAN UNDER SUBSECTION (A) WHICH SHALL BE SUBJECT TO ALL OF THE  
30 PROVISIONS OF THIS SECTION. NO COAL OPERATOR MAY MINE THROUGH A

1 PLUGGED OIL OR GAS WELL OF WHICH HE HAS KNOWLEDGE UNTIL WRITTEN  
2 APPROVAL HAS BEEN GRANTED BY THE DEPARTMENT IN ACCORDANCE WITH  
3 THIS SECTION. THE BUREAU OF DEEP MINE SAFETY IN THE DEPARTMENT  
4 SHALL HAVE THE AUTHORITY TO ESTABLISH CONDITIONS UNDER WHICH THE  
5 DEPARTMENT MAY APPROVE A COAL OPERATOR'S PLAN TO MINE THROUGH A  
6 PLUGGED OIL OR GAS WELL.

7 § 3225. BONDING.

8 (A) GENERAL RULE.--THE FOLLOWING SHALL APPLY:

9 (1) EXCEPT AS PROVIDED IN SUBSECTION (D), UPON FILING AN  
10 APPLICATION FOR A WELL PERMIT, AND BEFORE CONTINUING TO  
11 OPERATE AN OIL OR GAS WELL, THE OWNER OR OPERATOR OF THE WELL  
12 SHALL FILE WITH THE DEPARTMENT A BOND COVERING THE WELL AND  
13 WELL SITE ON A FORM TO BE PRESCRIBED AND FURNISHED BY THE  
14 DEPARTMENT. A BOND FILED WITH AN APPLICATION FOR A WELL  
15 PERMIT SHALL BE PAYABLE TO THE COMMONWEALTH AND CONDITIONED  
16 UPON THE OPERATOR'S FAITHFUL PERFORMANCE OF ALL DRILLING,  
17 WATER SUPPLY REPLACEMENT, RESTORATION AND PLUGGING  
18 REQUIREMENTS OF THIS CHAPTER. A BOND FOR A WELL IN EXISTENCE  
19 ON APRIL 18, 1985, SHALL BE PAYABLE TO THE COMMONWEALTH AND  
20 CONDITIONED UPON THE OPERATOR'S FAITHFUL PERFORMANCE OF ALL  
21 WATER SUPPLY REPLACEMENT, RESTORATION AND PLUGGING  
22 REQUIREMENTS OF THIS CHAPTER. THE AMOUNT OF THE BOND REQUIRED  
23 SHALL BE IN THE FOLLOWING AMOUNTS AND MAY BE ADJUSTED BY THE  
24 ENVIRONMENTAL QUALITY BOARD EVERY TWO YEARS TO REFLECT THE  
25 PROJECTED COSTS TO THE COMMONWEALTH OF PLUGGING THE WELL:

26 (I) FOR WELLS WITH A TOTAL WELL BORE LENGTH LESS  
27 THAN 6,000 FEET:

28 (A) FOR OPERATING UP TO 50 WELLS, \$4,000 PER  
29 WELL; BUT NO BOND MAY BE REQUIRED UNDER THIS CLAUSE  
30 IN EXCESS OF \$35,000.

1           (B) FOR OPERATING 51 TO 150 WELLS, \$35,000 PLUS  
2           \$4,000 PER WELL FOR EACH WELL IN EXCESS OF 50 WELLS;  
3           BUT NO BOND MAY BE REQUIRED UNDER THIS CLAUSE IN  
4           EXCESS OF \$60,000.

5           (C) FOR OPERATING 151 TO 250 WELLS, \$60,000 PLUS  
6           \$4,000 PER WELL FOR EACH WELL IN EXCESS OF 150 WELLS;  
7           BUT NO BOND MAY BE REQUIRED UNDER THIS CLAUSE IN  
8           EXCESS OF \$100,000.

9           (D) FOR OPERATING MORE THAN 250 WELLS, \$100,000  
10          PLUS \$4,000 PER WELL FOR EACH WELL IN EXCESS OF 250  
11          WELLS; BUT NO BOND MAY BE REQUIRED UNDER THIS CLAUSE  
12          IN EXCESS OF \$250,000.

13          (II) FOR WELLS WITH A TOTAL WELL BORE LENGTH GREATER  
14          THAN 6,000 FEET:

15           (A) FOR OPERATING UP TO 25 WELLS, \$10,000 PER  
16           WELL; BUT NO BOND MAY BE REQUIRED UNDER THIS CLAUSE  
17           IN EXCESS OF \$60,000.

18           (B) FOR OPERATING 26 TO 50 WELLS, \$60,000 PLUS  
19           \$10,000 PER WELL FOR EACH WELL IN EXCESS OF 25 WELLS;  
20           BUT NO BOND MAY BE REQUIRED UNDER THIS CLAUSE IN  
21           EXCESS OF \$120,000.

22           (C) FOR OPERATING 51 TO 150 WELLS, \$120,000 PLUS  
23           \$10,000 PER WELL FOR EACH WELL IN EXCESS OF 50 WELLS;  
24           BUT NO BOND MAY BE REQUIRED UNDER THIS CLAUSE IN  
25           EXCESS OF \$180,000.

26           (D) FOR OPERATING MORE THAN 150 WELLS, \$180,000  
27           PLUS \$10,000 PER WELL FOR EACH WELL IN EXCESS OF 150  
28           WELLS; BUT NO BOND MAY BE REQUIRED UNDER THIS CLAUSE  
29           IN EXCESS OF \$250,000.

30          (2) IN LIEU OF INDIVIDUAL BONDS FOR EACH WELL, AN OWNER

1 OR OPERATOR MAY FILE A BLANKET BOND FOR THE APPLICABLE AMOUNT  
2 UNDER PARAGRAPH (1), ON A FORM PREPARED BY THE DEPARTMENT,  
3 COVERING ALL OF ITS WELLS IN THIS COMMONWEALTH, AS ENUMERATED  
4 ON THE BOND FORM.

5 (3) LIABILITY UNDER THE BOND SHALL CONTINUE UNTIL THE  
6 WELL HAS BEEN PROPERLY PLUGGED IN ACCORDANCE WITH THIS  
7 CHAPTER AND FOR A PERIOD OF ONE YEAR AFTER FILING OF THE  
8 CERTIFICATE OF PLUGGING WITH THE DEPARTMENT. EACH BOND SHALL  
9 BE EXECUTED BY THE OPERATOR AND A CORPORATE SURETY LICENSED  
10 TO DO BUSINESS IN THIS COMMONWEALTH AND APPROVED BY THE  
11 SECRETARY. IN LIEU OF A CORPORATE SURETY, THE OPERATOR MAY  
12 DEPOSIT WITH THE DEPARTMENT:

13 (I) CASH;

14 (II) CERTIFICATES OF DEPOSIT OR AUTOMATICALLY  
15 RENEWABLE IRREVOCABLE LETTERS OF CREDIT, FROM FINANCIAL  
16 INSTITUTIONS CHARTERED OR AUTHORIZED TO DO BUSINESS IN  
17 THIS COMMONWEALTH AND REGULATED AND EXAMINED BY THE  
18 COMMONWEALTH OR A FEDERAL AGENCY, WHICH MAY BE TERMINATED  
19 AT THE END OF A TERM ONLY UPON 90 DAYS' PRIOR WRITTEN  
20 NOTICE BY THE FINANCIAL INSTITUTION TO THE PERMITTEE AND  
21 THE DEPARTMENT;

22 (III) NEGOTIABLE BONDS OF THE UNITED STATES  
23 GOVERNMENT OR THE COMMONWEALTH, THE PENNSYLVANIA TURNPIKE  
24 COMMISSION, THE GENERAL STATE AUTHORITY, THE STATE PUBLIC  
25 SCHOOL BUILDING AUTHORITY OR ANY MUNICIPALITY WITHIN THE  
26 COMMONWEALTH; OR

27 (IV) UNITED STATES TREASURY BONDS ISSUED AT A  
28 DISCOUNT WITHOUT A REGULAR SCHEDULE OF INTEREST PAYMENTS  
29 TO MATURITY, OTHERWISE KNOWN AS ZERO COUPON BONDS, HAVING  
30 A MATURITY DATE OF NOT MORE THAN TEN YEARS AFTER THE DATE

1 OF PURCHASE AND AT THE MATURITY DATE HAVING A VALUE OF  
2 NOT LESS THAN THE APPLICABLE AMOUNT UNDER PARAGRAPH (1).  
3 THE CASH DEPOSIT, CERTIFICATE OF DEPOSIT, AMOUNT OF THE  
4 IRREVOCABLE LETTER OF CREDIT OR MARKET VALUE OF THE  
5 SECURITIES SHALL BE EQUAL AT LEAST TO THE SUM OF THE  
6 BOND.

7 (4) THE SECRETARY SHALL, UPON RECEIPT OF A DEPOSIT OF  
8 CASH, LETTERS OF CREDIT OR NEGOTIABLE BONDS, IMMEDIATELY  
9 PLACE THE SAME WITH THE STATE TREASURER, WHOSE DUTY IT SHALL  
10 BE TO RECEIVE AND HOLD THE SAME IN THE NAME OF THE  
11 COMMONWEALTH, IN TRUST, FOR THE PURPOSE FOR WHICH THE DEPOSIT  
12 IS MADE.

13 (5) THE STATE TREASURER SHALL AT ALL TIMES BE  
14 RESPONSIBLE FOR CUSTODY AND SAFEKEEPING OF DEPOSITS. THE  
15 OPERATOR MAKING THE DEPOSIT SHALL BE ENTITLED FROM TIME TO  
16 TIME TO DEMAND AND RECEIVE FROM THE STATE TREASURER, ON THE  
17 WRITTEN ORDER OF THE SECRETARY, THE WHOLE OR ANY PORTION OF  
18 COLLATERAL DEPOSITED, UPON DEPOSITING WITH THE STATE  
19 TREASURER, IN LIEU OF THAT COLLATERAL, OTHER COLLATERAL OF  
20 CLASSES SPECIFIED IN THIS SECTION HAVING A MARKET VALUE AT  
21 LEAST EQUAL TO THE SUM OF THE BOND, AND ALSO TO DEMAND,  
22 RECEIVE AND RECOVER THE INTEREST AND INCOME FROM THE  
23 NEGOTIABLE BONDS AS THEY BECOME DUE AND PAYABLE.

24 (6) IF NEGOTIABLE BONDS ON DEPOSIT UNDER THIS SUBSECTION  
25 MATURE OR ARE CALLED, THE STATE TREASURER, AT THE REQUEST OF  
26 THE OWNER OF THE BONDS, SHALL CONVERT THEM INTO OTHER  
27 NEGOTIABLE BONDS, OF CLASSES SPECIFIED IN THIS SECTION,  
28 DESIGNATED BY THE OWNER.

29 (7) IF NOTICE OF INTENT TO TERMINATE A LETTER OF CREDIT  
30 IS GIVEN, THE DEPARTMENT SHALL GIVE THE OPERATOR 30 DAYS'



1 WRITTEN NOTICE TO REPLACE THE LETTER OF CREDIT WITH OTHER  
2 ACCEPTABLE BOND GUARANTEES AS PROVIDED IN THIS SECTION. IF  
3 THE OWNER OR OPERATOR FAILS TO TIMELY REPLACE THE LETTER OF  
4 CREDIT, THE DEPARTMENT SHALL DRAW UPON AND CONVERT THE LETTER  
5 OF CREDIT INTO CASH AND HOLD IT AS A COLLATERAL BOND  
6 GUARANTEE.

7 (B) RELEASE.--NO BOND SHALL BE FULLY RELEASED UNTIL THE  
8 REQUIREMENTS OF SUBSECTION (A) AND SECTION 3223 (RELATING TO  
9 NOTIFICATION AND EFFECT OF WELL TRANSFER) HAVE BEEN FULLY MET.  
10 UPON RELEASE OF BONDS AND COLLATERAL UNDER THIS SECTION, THE  
11 STATE TREASURER SHALL IMMEDIATELY RETURN TO THE OWNER THE  
12 SPECIFIED AMOUNT OF CASH OR SECURITIES.

13 (C) NONCOMPLIANCE.--IF A WELL OWNER OR OPERATOR FAILS OR  
14 REFUSES TO COMPLY WITH SUBSECTION (A), REGULATIONS PROMULGATED  
15 UNDER THIS CHAPTER OR CONDITIONS OF A PERMIT RELATING TO THIS  
16 CHAPTER, THE DEPARTMENT MAY DECLARE THE BOND FORFEITED AND SHALL  
17 CERTIFY THE SAME TO THE ATTORNEY GENERAL, WHO SHALL PROCEED TO  
18 ENFORCE AND COLLECT THE FULL AMOUNT OF THE BOND AND, IF THE WELL  
19 OWNER OR OPERATOR HAS DEPOSITED CASH OR SECURITIES AS COLLATERAL  
20 IN LIEU OF A CORPORATE SURETY, THE DEPARTMENT SHALL DECLARE THE  
21 COLLATERAL FORFEITED AND DIRECT THE STATE TREASURER TO PAY THE  
22 FULL AMOUNT OF THE FUNDS INTO THE WELL PLUGGING RESTRICTED  
23 REVENUE ACCOUNT OR TO SELL THE SECURITY TO THE EXTENT FORFEITED  
24 AND PAY THE PROCEEDS INTO THE WELL PLUGGING RESTRICTED REVENUE  
25 ACCOUNT. IF A CORPORATE SURETY OR FINANCIAL INSTITUTION FAILS TO  
26 PAY A FORFEITED BOND PROMPTLY AND IN FULL, THE CORPORATE SURETY  
27 OR FINANCIAL INSTITUTION SHALL BE DISQUALIFIED FROM WRITING  
28 FURTHER BONDS UNDER THIS CHAPTER OR ANY OTHER ENVIRONMENTAL LAW  
29 ADMINISTERED BY THE DEPARTMENT. A PERSON AGGRIEVED BY REASON OF  
30 FORFEITING THE BOND OR CONVERTING COLLATERAL, AS PROVIDED IN

1 THIS SECTION, SHALL HAVE A RIGHT TO APPEAL TO THE ENVIRONMENTAL  
2 HEARING BOARD IN THE MANNER PROVIDED BY LAW. UPON FORFEITURE OF  
3 A BLANKET BOND FOR A VIOLATION OCCURRING AT ONE OR MORE WELL  
4 SITES, THE PERSON WHOSE BOND IS FORFEITED SHALL, WITHIN TEN DAYS  
5 OF THE FORFEITURE, SUBMIT A REPLACEMENT BOND TO COVER ALL OTHER  
6 WELLS OF WHICH THE PERSON IS AN OWNER OR OPERATOR. FAILURE TO  
7 SUBMIT THE REPLACEMENT BOND CONSTITUTES A VIOLATION OF THIS  
8 SECTION AS TO EACH OF THE WELLS OWNED OR OPERATED BY THE PERSON.

9 (D) ALTERNATIVES TO CERTAIN BONDS.--THE FOLLOWING SHALL  
10 APPLY:

11 (1) AN OPERATOR OF NOT MORE THAN 200 WELLS WHO CANNOT  
12 OBTAIN A BOND FOR A WELL DRILLED PRIOR TO APRIL 18, 1985, AS  
13 REQUIRED UNDER SUBSECTION (A), DUE TO INABILITY TO  
14 DEMONSTRATE SUFFICIENT FINANCIAL RESOURCES MAY, IN LIEU OF  
15 THE BOND:

16 (I) SUBMIT TO THE DEPARTMENT A FEE IN THE AMOUNT OF  
17 \$50 PER WELL, A BLANKET FEE OF \$500 FOR TEN TO 20 WELLS  
18 OR A BLANKET FEE OF \$1,000 FOR MORE THAN 20 WELLS, WHICH  
19 SHALL BE A NONREFUNDABLE FEE PAID EACH YEAR THAT THE  
20 OPERATOR HAS NOT FILED A BOND WITH THE DEPARTMENT. ALL  
21 FEES COLLECTED IN LIEU OF A BOND UNDER THIS SUBSECTION  
22 SHALL BE USED FOR THE PURPOSES AUTHORIZED BY THIS  
23 CHAPTER. THE ENVIRONMENTAL QUALITY BOARD SHALL HAVE THE  
24 POWER, BY REGULATION, TO INCREASE THE AMOUNT OF THE FEES  
25 ESTABLISHED UNDER THIS SUBSECTION.

26 (II) MAKE PHASED DEPOSITS OF COLLATERAL TO FULLY  
27 COLLATERALIZE THE BOND, SUBJECT TO THE FOLLOWING:

28 (A) PAYMENT SHALL BE BASED ON THE NUMBER OF  
29 WELLS OWNED OR OPERATED. THE OPERATOR SHALL MAKE AN  
30 INITIAL DEPOSIT AND MAKE ANNUAL DEPOSITS IN

1 ACCORDANCE WITH THE SCHEDULE IN CLAUSE (B). INTEREST  
2 ACCUMULATED BY THE COLLATERAL SHALL BECOME A PART OF  
3 THE BOND UNTIL THE COLLATERAL PLUS ACCUMULATED  
4 INTEREST EQUALS THE AMOUNT OF THE REQUIRED BOND. THE  
5 COLLATERAL SHALL BE DEPOSITED, IN TRUST, WITH THE  
6 STATE TREASURER AS PROVIDED IN THIS SUBSECTION OR  
7 WITH A BANK SELECTED BY THE DEPARTMENT WHICH SHALL  
8 ACT AS TRUSTEE FOR THE BENEFIT OF THE COMMONWEALTH TO  
9 GUARANTEE THE OPERATOR'S COMPLIANCE WITH THE  
10 DRILLING, WATER SUPPLY REPLACEMENT, RESTORATION AND  
11 PLUGGING REQUIREMENTS OF THIS CHAPTER. THE OPERATOR  
12 SHALL BE REQUIRED TO PAY ALL COSTS OF THE TRUST.

13 (B) AN OPERATOR OF UP TO TEN EXISTING WELLS WHO  
14 DOES NOT INTEND TO OPERATE ADDITIONAL WELLS SHALL  
15 DEPOSIT \$250 PER WELL AND SHALL, THEREAFTER, ANNUALLY  
16 DEPOSIT \$50 PER WELL UNTIL THE OBLIGATIONS OF THIS  
17 SECTION ARE FULLY MET. AN OPERATOR OF 11 TO 25 WELLS  
18 OR AN OPERATOR OF UP TO TEN WELLS WHO APPLIES FOR ONE  
19 OR MORE PERMITS FOR ADDITIONAL WELLS SHALL DEPOSIT  
20 \$2,000 AND SHALL, THEREAFTER, ANNUALLY DEPOSIT \$1,150  
21 PLUS \$150 FOR EACH ADDITIONAL WELL TO BE PERMITTED  
22 THAT YEAR UNTIL THE OBLIGATIONS OF THIS SECTION ARE  
23 FULLY MET. AN OPERATOR OF 26 TO 50 WELLS SHALL  
24 DEPOSIT \$3,000 AND SHALL, THEREAFTER, ANNUALLY  
25 DEPOSIT \$1,300 PLUS \$400 FOR EACH ADDITIONAL WELL TO  
26 BE PERMITTED THAT YEAR UNTIL THE OBLIGATIONS OF THIS  
27 SECTION ARE FULLY MET. AN OPERATOR OF 51 TO 100 WELLS  
28 SHALL DEPOSIT \$4,000 AND SHALL, THEREAFTER, ANNUALLY  
29 DEPOSIT \$1,500 PLUS \$400 FOR EACH ADDITIONAL WELL TO  
30 BE PERMITTED THAT YEAR UNTIL THE OBLIGATIONS OF THIS

1           SECTION ARE FULLY MET. OPERATORS OF 101 TO 200 WELLS  
2           SHALL DEPOSIT \$8,000 AND SHALL, THEREAFTER, ANNUALLY  
3           DEPOSIT \$1,600 PLUS \$1,000 FOR EACH ADDITIONAL WELL  
4           TO BE PERMITTED THAT YEAR UNTIL THE OBLIGATIONS OF  
5           THIS SECTION ARE FULLY MET. OPERATORS OF MORE THAN  
6           200 WELLS SHALL FULLY BOND THEIR WELLS IMMEDIATELY.

7           (C) THE DEPARTMENT SHALL REDUCE THE AMOUNT OF  
8           PHASED COLLATERAL PAYMENTS OR THE PERIOD OF TIME OVER  
9           WHICH PHASED COLLATERAL PAYMENTS SHALL BE MADE ON  
10          BEHALF OF OWNERS OR OPERATORS WHO, PRIOR TO AUGUST 1,  
11          1992, HAVE PAID A FEE IN LIEU OF BOND UNDER  
12          SUBPARAGRAPH (I), AND WHO, BY AUGUST 1, 1993, CHOOSE  
13          TO ENTER THE PHASED COLLATERAL PROGRAM UNDER THIS  
14          SUBPARAGRAPH RATHER THAN CONTINUE TO MAKE PAYMENTS IN  
15          LIEU OF BOND. PAYMENTS MADE PRIOR TO AUGUST 1, 1992,  
16          IN LIEU OF BOND SHALL NOT BE CREDITED IN ANY OTHER  
17          MANNER, AND THE DEPARTMENT SHALL NOT BE REQUIRED TO  
18          REFUND THE FEES. THE ENVIRONMENTAL QUALITY BOARD, BY  
19          REGULATION, MAY CHANGE THE ANNUAL DEPOSITS  
20          ESTABLISHED UNDER CLAUSE (B) IF NECESSARY TO  
21          ACCOMMODATE A CHANGE IN THE AMOUNT OF THE BOND  
22          REQUIRED UNDER THIS SECTION.

23          (2) AN OPERATOR MAY CONTINUE TO PAY A FEE IN LIEU OF  
24          BOND OR MAKE PHASED DEPOSITS OF COLLATERAL TO FULLY  
25          COLLATERALIZE THE BOND SO LONG AS THE OPERATOR DOES NOT MISS  
26          A PAYMENT UNDER THIS SUBSECTION AND REMAINS IN COMPLIANCE  
27          WITH THIS CHAPTER. IF AN OPERATOR MISSES A PAYMENT UNDER THIS  
28          SUBSECTION, THE OPERATOR SHALL IMMEDIATELY:

- 29           (I) SUBMIT THE APPROPRIATE BOND AMOUNT IN FULL; OR  
30           (II) CEASE ALL OPERATIONS AND PLUG ALL WELLS.

1 (D.1) INDIVIDUALS.--THE FOLLOWING SHALL APPLY:

2 (1) AN INDIVIDUAL WHO IS UNABLE TO OBTAIN A BOND TO  
3 DRILL NEW WELLS DUE TO INABILITY TO DEMONSTRATE FINANCIAL  
4 RESOURCES MAY MEET THE COLLATERAL BOND REQUIREMENTS OF  
5 SUBSECTION (A) BY MAKING PHASED DEPOSITS OF COLLATERAL TO  
6 FULLY COLLATERALIZE THE BOND. THE INDIVIDUAL SHALL BE LIMITED  
7 TO DRILLING TEN NEW WELLS PER CALENDAR YEAR AND, FOR EACH  
8 WELL TO BE DRILLED, DEPOSIT \$500 AND MAKE AN ANNUAL DEPOSIT  
9 OF 10% OF THE REMAINING BOND AMOUNT FOR A PERIOD OF TEN  
10 YEARS. INTEREST ACCUMULATED SHALL BECOME A PART OF THE BOND  
11 UNTIL THE COLLATERAL PLUS ACCUMULATED INTEREST EQUALS THE  
12 AMOUNT OF THE REQUIRED BOND. THE COLLATERAL SHALL BE  
13 DEPOSITED IN TRUST WITH THE STATE TREASURER UNDER SUBSECTION  
14 (A) OR WITH A BANK SELECTED BY THE DEPARTMENT WHICH SHALL ACT  
15 AS TRUSTEE FOR THE BENEFIT OF THE COMMONWEALTH TO GUARANTEE  
16 THE INDIVIDUAL'S COMPLIANCE WITH THE DRILLING, WATER SUPPLY  
17 REPLACEMENT, RESTORATION AND PLUGGING REQUIREMENTS OF THIS  
18 CHAPTER. THE INDIVIDUAL SHALL PAY ALL COSTS OF THE TRUST.

19 (2) INDIVIDUALS MAY CONTINUE TO USE PHASED COLLATERAL TO  
20 OBTAIN PERMITS IF THEY HAVE NOT MISSED A PAYMENT FOR A WELL  
21 DRILLED UNDER THIS PROVISION AND REMAIN IN COMPLIANCE WITH  
22 THIS CHAPTER. IF AN INDIVIDUAL MISSES A PAYMENT, THE  
23 INDIVIDUAL SHALL:

24 (I) IMMEDIATELY SUBMIT THE APPROPRIATE BOND AMOUNT  
25 IN FULL; OR

26 (II) CEASE ALL OPERATIONS AND PLUG ALL WELLS.

27 (3) FOR PURPOSES OF THIS SUBSECTION, AN "INDIVIDUAL"  
28 MEANS A NATURAL PERSON DOING BUSINESS UNDER HIS OWN NAME.

29 (E) RESERVATION OF REMEDIES.--ALL REMEDIES VIOLATING THIS  
30 CHAPTER, REGULATIONS ADOPTED UNDER THIS CHAPTER AND CONDITIONS

1 OF PERMITS ARE EXPRESSLY PRESERVED. NOTHING IN THIS SECTION  
2 SHALL BE CONSTRUED AS AN EXCLUSIVE PENALTY OR REMEDY FOR  
3 VIOLATIONS OF LAW. NO ACTION TAKEN UNDER THIS SECTION SHALL  
4 WAIVE OR IMPAIR ANY OTHER REMEDY OR PENALTY PROVIDED IN LAW.

5 (F) CHANGE OF LAW.--OWNERS OR OPERATORS WHO HAVE FAILED TO  
6 MEET THE REQUIREMENTS OF THIS SECTION PRIOR TO AUGUST 1, 1992,  
7 SHALL NOT BE REQUIRED TO MAKE PAYMENTS UNDER THIS SECTION ON A  
8 RETROACTIVE BASIS AS A CONDITION OF OBTAINING A PERMIT UNDER  
9 THIS CHAPTER, NOR SHALL THE FAILURE BE DEEMED A VIOLATION OF  
10 THIS CHAPTER.

11 § 3226. OIL AND GAS TECHNICAL ADVISORY BOARD.

12 (A) CREATION OF BOARD.--THE OIL AND GAS TECHNICAL ADVISORY  
13 BOARD IS CREATED, CONSISTING OF THE FOLLOWING MEMBERS, ALL OF  
14 WHOM SHALL BE CHOSEN BY THE GOVERNOR AND SHALL BE RESIDENTS OF  
15 THIS COMMONWEALTH:

16 (1) THREE INDIVIDUALS, EACH OF WHOM SHALL BE:

17 (I) A PETROLEUM ENGINEER;

18 (II) A PETROLEUM GEOLOGIST; OR

19 (III) AN EXPERIENCED DRILLER REPRESENTATIVE OF THE  
20 OIL AND GAS INDUSTRY WITH THREE YEARS OF EXPERIENCE IN  
21 THIS COMMONWEALTH.

22 (2) ONE MINING ENGINEER FROM THE COAL INDUSTRY WITH  
23 THREE YEARS OF EXPERIENCE IN THIS COMMONWEALTH.

24 (3) ONE GEOLOGIST OR PETROLEUM ENGINEER WITH THREE YEARS  
25 OF EXPERIENCE IN THIS COMMONWEALTH, WHO SHALL BE CHOSEN FROM  
26 A LIST OF THREE NAMES SUBMITTED BY THE CITIZENS ADVISORY  
27 COUNCIL TO THE GOVERNOR AND WHO SHALL SIT AS A REPRESENTATIVE  
28 OF THE PUBLIC INTEREST.

29 (B) REIMBURSEMENT.--BOARD MEMBERS SHALL NOT RECEIVE A SALARY  
30 BUT SHALL BE REIMBURSED FOR ALL NECESSARY EXPENSES INCURRED IN

1 THE PERFORMANCE OF THEIR DUTIES.

2 (C) MAJORITY VOTE.--ALL ACTIONS OF THE BOARD SHALL BE BY  
3 MAJORITY VOTE. THE BOARD SHALL MEET AS CALLED BY THE SECRETARY,  
4 BUT NOT LESS THAN SEMIANNUALLY, TO CARRY OUT ITS DUTIES UNDER  
5 THIS CHAPTER. THE BOARD SHALL SELECT A CHAIRMAN AND OTHER  
6 OFFICERS DEEMED APPROPRIATE.

7 (D) CONSULTATION.--THE DEPARTMENT SHALL CONSULT WITH THE  
8 BOARD IN THE FORMULATION, DRAFTING AND PRESENTATION STAGES OF  
9 ALL REGULATIONS OF A TECHNICAL NATURE PROMULGATED UNDER THIS  
10 CHAPTER. THE BOARD SHALL BE GIVEN A REASONABLE OPPORTUNITY TO  
11 REVIEW AND COMMENT ON ALL REGULATIONS OF A TECHNICAL NATURE  
12 PRIOR TO SUBMISSION TO THE ENVIRONMENTAL QUALITY BOARD FOR  
13 INITIAL CONSIDERATION. THE WRITTEN REPORT OF THE BOARD SHALL BE  
14 PRESENTED TO THE ENVIRONMENTAL QUALITY BOARD WITH ANY REGULATORY  
15 PROPOSAL. THE CHAIRMAN OF THE BOARD SHALL BE INVITED TO  
16 PARTICIPATE IN THE PRESENTATION OF ALL REGULATIONS OF A  
17 TECHNICAL NATURE BEFORE THE ENVIRONMENTAL QUALITY BOARD TO THE  
18 EXTENT ALLOWED BY PROCEDURES OF THE ENVIRONMENTAL QUALITY BOARD.  
19 NOTHING HEREIN SHALL PRECLUDE ANY MEMBER OF THE BOARD FROM  
20 FILING A PETITION FOR RULEMAKING WITH THE ENVIRONMENTAL QUALITY  
21 BOARD IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE  
22 ENVIRONMENTAL QUALITY BOARD.

23 § 3227. AIR CONTAMINANT EMISSIONS.

24 (A) PROTOCOLS FOR AIR CONTAMINANT EMISSIONS.--NO LATER THAN  
25 THREE MONTHS AFTER THE EFFECTIVE DATE OF THIS CHAPTER, THE  
26 DEPARTMENT SHALL PUBLISH PROTOCOLS FOR THE DETECTION,  
27 QUANTIFICATION AND REPORTING OF AIR CONTAMINANT EMISSIONS FROM  
28 UNCONVENTIONAL GAS PRODUCTION PROCESSES INCLUDING WELLHEAD  
29 ACTIVITIES AND THE STORAGE OF UNCONVENTIONAL GAS PRIOR TO  
30 PROCESSING.

1 (B) REPORT ON AIR CONTAMINANT EMISSIONS.--NO LATER THAN NINE  
2 MONTHS AFTER THE EFFECTIVE DATE OF THIS CHAPTER, THE DEPARTMENT  
3 SHALL PUBLISH FOR PUBLIC COMMENT A DRAFT REPORT QUANTIFYING  
4 THROUGH MEASUREMENTS AND CALCULATIONS THE TOTAL AIR CONTAMINANT  
5 EMISSIONS IN THIS COMMONWEALTH FROM UNCONVENTIONAL GAS  
6 DEVELOPMENT PROCESSES INCLUDING WELLHEAD ACTIVITIES AND THE  
7 STORAGE OF UNCONVENTIONAL GAS PRIOR TO PROCESSING. THE  
8 DEPARTMENT SHALL PUBLISH THE FINAL REPORT NO LATER THAN ONE YEAR  
9 AFTER THE EFFECTIVE DATE OF THIS CHAPTER. THE DEPARTMENT SHALL  
10 PUBLISH A REVISED REPORT EVERY FIVE YEARS THEREAFTER.

11 (C) USE OF BEST AVAILABLE SCIENTIFIC PRINCIPLES.--THE  
12 DEPARTMENT SHALL USE BEST AVAILABLE SCIENTIFIC PRINCIPLES IN  
13 DEVELOPING THE PROTOCOLS AND REPORTS REQUIRED BY THIS SECTION.

14 SUBCHAPTER C

15 UNDERGROUND GAS STORAGE

16 SEC.

17 3231. REPORTING REQUIREMENTS FOR GAS STORAGE OPERATIONS.

18 3232. REPORTING REQUIREMENTS FOR COAL MINING OPERATIONS.

19 3233. GENERAL GAS STORAGE RESERVOIR OPERATIONS.

20 3234. GAS STORAGE RESERVOIR OPERATIONS IN COAL AREAS.

21 3235. INSPECTION OF FACILITIES AND RECORDS.

22 3236. RELIANCE ON MAPS AND BURDEN OF PROOF.

23 3237. EXEMPTIONS AND PROHIBITIONS.

24 § 3231. REPORTING REQUIREMENTS FOR GAS STORAGE OPERATIONS.

25 (A) GENERAL DUTIES.--THE FOLLOWING SHALL APPLY:

26 (1) A PERSON INJECTING INTO OR STORING GAS IN A STORAGE  
27 RESERVOIR UNDERLYING OR WITHIN 3,000 LINEAR FEET OF A COAL  
28 MINE OPERATING IN A COAL SEAM THAT EXTENDS OVER THE STORAGE  
29 RESERVOIR OR RESERVOIR PROTECTIVE AREA SHALL, WITHIN 60 DAYS,  
30 FILE WITH THE DEPARTMENT A COPY OF A MAP AND CERTAIN DATA IN



1 THE FORM AND MANNER PROVIDED IN THIS SUBSECTION OR AS  
2 OTHERWISE PRESCRIBED BY REGULATION OF THE DEPARTMENT.

3 (2) A PERSON INJECTING GAS INTO OR STORING GAS IN A  
4 STORAGE RESERVOIR WHICH IS NOT UNDER OR WITHIN 3,000 LINEAR  
5 FEET OF, BUT LESS THAN 10,000 LINEAR FEET FROM, A COAL MINE  
6 OPERATING IN A COAL SEAM THAT EXTENDS OVER THE STORAGE  
7 RESERVOIR OR RESERVOIR PROTECTIVE AREA SHALL FILE THE MAP AND  
8 DATA WITHIN 60 DAYS OR A LONGER PERIOD SET BY DEPARTMENTAL  
9 REGULATION.

10 (3) A PERSON PROPOSING TO INJECT OR STORE GAS IN A  
11 STORAGE RESERVOIR LOCATED AS DEFINED IN PARAGRAPH (1) OR (2)  
12 SHALL FILE THE APPROPRIATE REQUIRED MAP AND DATA WITH THE  
13 DEPARTMENT NOT LESS THAN SIX MONTHS PRIOR TO STARTING THE  
14 ACTUAL INJECTION OR STORAGE.

15 (4) A MAP REQUIRED BY THIS SUBSECTION SHALL BE PREPARED  
16 BY A COMPETENT ENGINEER OR GEOLOGIST, SHOWING:

17 (I) THE STRATUM IN WHICH THE EXISTING OR PROPOSED  
18 STORAGE RESERVOIR IS OR IS PROPOSED TO BE LOCATED;

19 (II) THE GEOGRAPHIC LOCATION OF THE OUTSIDE  
20 BOUNDARIES OF THE STORAGE RESERVOIR AND RESERVOIR  
21 PROTECTIVE AREA;

22 (III) THE LOCATION OF ALL KNOWN OIL OR GAS WELLS IN  
23 THE RESERVOIR OR WITHIN 3,000 LINEAR FEET THEREOF WHICH  
24 HAVE BEEN DRILLED INTO OR THROUGH THE STORAGE STRATUM,  
25 INDICATING WHICH HAVE BEEN OR ARE TO BE CLEANED OUT AND  
26 PLUGGED OR RECONDITIONED FOR STORAGE ALONG WITH THE  
27 PROPOSED LOCATION OF ALL ADDITIONAL WELLS WHICH ARE TO BE  
28 DRILLED WITHIN THE STORAGE RESERVOIR OR WITHIN 3,000  
29 LINEAR FEET THEREOF.

30 (5) THE FOLLOWING, IF AVAILABLE, SHALL BE FURNISHED FOR

1 ALL KNOWN OIL OR GAS WELLS WHICH HAVE BEEN DRILLED INTO OR  
2 THROUGH THE STORAGE STRATUM WITHIN THE STORAGE RESERVOIR OR  
3 WITHIN 3,000 LINEAR FEET THEREOF: NAME OF THE OPERATOR, DATE  
4 DRILLED, TOTAL DEPTH, DEPTH OF PRODUCTION IF THE WELL WAS  
5 PRODUCTIVE OF OIL OR GAS, THE INITIAL ROCK PRESSURE AND  
6 VOLUME, THE DEPTHS AT WHICH ALL COAL SEAMS WERE ENCOUNTERED  
7 AND A COPY OF THE DRILLER'S LOG OR OTHER SIMILAR INFORMATION.  
8 AT THE TIME OF THE FILING OF THE MAPS AND DATA, A STATEMENT  
9 SHALL BE FILED:

10 (I) DETAILING EFFORTS MADE TO DETERMINE THAT THE  
11 WELLS SHOWN ARE ACCURATELY LOCATED ON THE MAP;

12 (II) AFFIRMING THAT THE WELLS SHOWN REPRESENT, TO  
13 THE BEST OF THE OPERATOR'S KNOWLEDGE, ALL OIL OR GAS  
14 WELLS WHICH HAVE EVER BEEN DRILLED INTO OR BELOW THE  
15 STORAGE STRATUM WITHIN THE PROPOSED STORAGE RESERVOIR OR  
16 WITHIN THE RESERVOIR PROTECTIVE AREA;

17 (III) STATING WHETHER THE INITIAL INJECTION IS FOR  
18 TESTING PURPOSES;

19 (IV) STATING THE MAXIMUM PRESSURE AT WHICH INJECTION  
20 AND STORAGE OF GAS IS CONTEMPLATED; AND

21 (V) PROVIDING A DETAILED EXPLANATION OF THE METHODS  
22 TO BE USED OR WHICH PREVIOUSLY HAVE BEEN USED IN  
23 DRILLING, CLEANING OUT, RECONDITIONING AND PLUGGING WELLS  
24 IN THE STORAGE RESERVOIR OR WITHIN THE RESERVOIR  
25 PROTECTIVE AREA.

26 (6) THE MAP AND DATA REQUIRED TO BE FILED UNDER  
27 PARAGRAPH (5) SHALL BE AMENDED OR SUPPLEMENTED SEMIANNUALLY  
28 IF MATERIAL CHANGES OCCUR. THE DEPARTMENT MAY REQUIRE A  
29 STORAGE OPERATOR TO AMEND OR SUPPLEMENT THE MAP OR DATA AT  
30 MORE FREQUENT INTERVALS IF MATERIAL CHANGES HAVE OCCURRED

1 JUSTIFYING THE EARLIER FILING.

2 (B) OTHER REPORTING REQUIREMENTS.--A PERSON WHO IS INJECTING  
3 GAS INTO OR STORING GAS IN A STORAGE RESERVOIR NOT AT THE TIME  
4 SUBJECT TO SUBSECTION (A), BY A PROCESS OTHER THAN THAT OF  
5 SECONDARY RECOVERY OR GAS RECYCLING, SHALL, WITHIN 60 DAYS, OR A  
6 LONGER PERIOD SET BY DEPARTMENTAL REGULATIONS, FILE MAPS AND  
7 DATA REQUIRED BY DEPARTMENTAL REGULATION AND AS FOLLOWS:

8 (1) A PERSON WHO, AFTER APRIL 18, 1985, PROPOSES TO  
9 INJECT OR STORE GAS IN A STORAGE RESERVOIR IN AN AREA NOT  
10 COVERED BY SUBSECTION (A) BY A PROCESS OTHER THAN THAT OF  
11 SECONDARY RECOVERY OR GAS RECYCLING SHALL FILE THE REQUIRED  
12 MAP AND DATA WITH THE DEPARTMENT NOT LESS THAN SIX MONTHS  
13 PRIOR TO THE STARTING OF ACTUAL INJECTION OR STORAGE.

14 (2) THE MAP SHALL BE PREPARED BY A COMPETENT ENGINEER OR  
15 COMPETENT GEOLOGIST AND SHOW:

16 (I) THE STRATUM IN WHICH THE EXISTING OR PROPOSED  
17 STORAGE RESERVOIR IS OR IS TO BE LOCATED;

18 (II) THE GEOGRAPHIC LOCATION OF THE OUTSIDE  
19 BOUNDARIES OF THE STORAGE RESERVOIR; AND

20 (III) THE LOCATION OF ALL KNOWN OIL OR GAS WELLS  
21 WITHIN THE RESERVOIR, OR WITHIN 3,000 LINEAR FEET  
22 THEREOF, WHICH HAVE BEEN DRILLED INTO OR THROUGH THE  
23 STORAGE STRATUM, INDICATING WHICH HAVE BEEN OR ARE TO BE  
24 CLEANED OUT AND PLUGGED OR RECONDITIONED FOR STORAGE AND  
25 THE PROPOSED LOCATION OF ALL ADDITIONAL WELLS WHICH ARE  
26 TO BE DRILLED WITHIN THE STORAGE RESERVOIR OR WITHIN  
27 3,000 LINEAR FEET THEREOF.

28 (3) THE FOLLOWING, IF AVAILABLE, SHALL BE FURNISHED FOR  
29 ALL KNOWN OIL OR GAS WELLS WHICH HAVE BEEN DRILLED INTO OR  
30 THROUGH THE STORAGE STRATUM WITHIN THE STORAGE RESERVOIR OR

1 WITHIN 3,000 LINEAR FEET THEREOF: NAME OF THE OPERATOR, DATE  
2 DRILLED, TOTAL DEPTH, DEPTH OF PRODUCTION IF THE WELL WAS  
3 PRODUCTIVE OF OIL OR GAS, THE INITIAL ROCK PRESSURE AND  
4 VOLUME AND A COPY OF THE DRILLER'S LOG OR OTHER SIMILAR  
5 INFORMATION. AT THE TIME OF THE FILING OF THE MAPS AND DATA,  
6 A STATEMENT SHALL BE FILED:

7 (I) DETAILING EFFORTS MADE TO DETERMINE THAT THE  
8 WELLS SHOWN ARE ACCURATELY LOCATED ON THE MAP;

9 (II) AFFIRMING THAT THE WELLS SHOWN REPRESENT, TO  
10 THE BEST OF THE OPERATOR'S KNOWLEDGE, ALL OIL OR GAS  
11 WELLS WHICH HAVE EVER BEEN DRILLED INTO OR BELOW THE  
12 STORAGE STRATUM WITHIN THE PROPOSED STORAGE RESERVOIR;

13 (III) STATING WHETHER THE INITIAL INJECTION IS FOR  
14 TESTING PURPOSES;

15 (IV) STATING THE MAXIMUM PRESSURE AT WHICH INJECTION  
16 AND STORAGE OF GAS IS CONTEMPLATED; AND

17 (V) PROVIDING A DETAILED EXPLANATION OF THE METHODS  
18 TO BE USED OR WHICH PREVIOUSLY HAVE BEEN USED IN  
19 DRILLING, CLEANING OUT, RECONDITIONING AND PLUGGING WELLS  
20 IN THE STORAGE RESERVOIR.

21 (4) THE MAP AND DATA REQUIRED TO BE FILED UNDER  
22 PARAGRAPH (3) SHALL BE AMENDED OR SUPPLEMENTED SEMIANNUALLY  
23 IF MATERIAL CHANGES OCCUR. THE DEPARTMENT MAY REQUIRE A  
24 STORAGE OPERATOR TO AMEND OR SUPPLEMENT THE MAP OR DATA AT  
25 MORE FREQUENT INTERVALS IF MATERIAL CHANGES HAVE OCCURRED  
26 JUSTIFYING THE EARLIER FILING.

27 (C) POLITICAL SUBDIVISIONS.--STORAGE OPERATORS SHALL GIVE  
28 NOTICE TO THE DEPARTMENT OF THE NAME OF EACH POLITICAL  
29 SUBDIVISION AND COUNTY IN WHICH THE OPERATOR MAINTAINS AND  
30 OPERATES A GAS STORAGE RESERVOIR.

1       (D) NOTICE TO AFFECTED PERSONS.--AT THE TIME OF THE FILING  
2 OF MAPS AND DATA AND THE FILING OF AMENDED OR SUPPLEMENTAL MAPS  
3 OR DATA REQUIRED BY THIS SECTION, THE PERSON FILING THE  
4 INFORMATION SHALL GIVE WRITTEN NOTICE OF THE FILING TO ALL  
5 PERSONS WHO MAY BE AFFECTED UNDER THE PROVISIONS OF THIS CHAPTER  
6 BY THE STORAGE RESERVOIR DESCRIBED IN THE MAPS OR DATA. NOTICES  
7 SHALL CONTAIN A DESCRIPTION OF THE BOUNDARIES OF THE STORAGE  
8 RESERVOIR. WHEN A PERSON OPERATING A COAL MINE OR OWNING AN  
9 INTEREST IN COAL PROPERTIES WHICH ARE OR MAY BE AFFECTED BY THE  
10 STORAGE RESERVOIR REQUESTS, IN WRITING, A COPY OF ANY MAP OR  
11 DATA FILED WITH THE DEPARTMENT, THE COPY SHALL BE FURNISHED BY  
12 THE STORAGE OPERATOR.

13       (E) OUTSIDE BOUNDARIES.--FOR PURPOSES OF THIS CHAPTER, THE  
14 OUTSIDE BOUNDARIES OF A STORAGE RESERVOIR SHALL BE DEFINED BY  
15 THE LOCATION OF THOSE WELLS AROUND THE PERIPHERY OF THE STORAGE  
16 RESERVOIR WHICH HAD NO GAS PRODUCTION WHEN DRILLED IN THE  
17 STORAGE STRATUM. THE BOUNDARIES SHALL BE ORIGINALLY FIXED OR  
18 SUBSEQUENTLY CHANGED IF, BASED ON THE NUMBER AND NATURE OF THE  
19 WELLS AND THE GEOLOGICAL AND PRODUCTION KNOWLEDGE OF THE STORAGE  
20 STRATUM, ITS CHARACTER, PERMEABILITY, DISTRIBUTION AND OPERATING  
21 EXPERIENCE, IT IS DETERMINED IN A CONFERENCE UNDER SECTION 3251  
22 (RELATING TO CONFERENCES) THAT MODIFICATIONS SHOULD BE MADE.

23       (F) INAPPLICABILITY OF SECTION.--THE REQUIREMENTS OF THIS  
24 SECTION SHALL NOT APPLY TO THE OPERATOR OF AN UNDERGROUND GAS  
25 STORAGE RESERVOIR SO LONG AS THE RESERVOIR IS LOCATED MORE THAN  
26 10,000 LINEAR FEET FROM AN OPERATING COAL MINE, EXCEPT THAT THE  
27 STORAGE OPERATOR SHALL GIVE NOTICE TO THE DEPARTMENT OF THE NAME  
28 OF EACH POLITICAL SUBDIVISION AND COUNTY IN WHICH THE OPERATOR  
29 MAINTAINS AND OPERATES A GAS STORAGE RESERVOIR. IN POLITICAL  
30 SUBDIVISIONS AND COUNTIES WHERE BOTH GAS STORAGE RESERVOIRS AND

1 COAL MINES ARE BEING OPERATED, THE DEPARTMENT MAY REQUEST THE  
2 STORAGE OPERATOR TO FURNISH MAPS SHOWING GEOGRAPHICAL LOCATIONS  
3 AND OUTSIDE BOUNDARIES OF THE STORAGE RESERVOIRS. THE DEPARTMENT  
4 SHALL KEEP A RECORD OF THE INFORMATION AND PROMPTLY NOTIFY THE  
5 COAL OPERATOR AND THE STORAGE OPERATOR WHEN NOTIFIED BY THEM  
6 THAT THE COAL MINE AND STORAGE RESERVOIR ARE WITHIN 10,000  
7 LINEAR FEET OF EACH OTHER.

8 § 3232. REPORTING REQUIREMENTS FOR COAL MINING OPERATIONS.

9 (A) GENERAL RULE.--A PERSON OWNING OR OPERATING A COAL MINE  
10 SHALL FILE WITH THE DEPARTMENT A MAP PREPARED AND SEALED BY A  
11 COMPETENT INDIVIDUAL LICENSED AS A PROFESSIONAL ENGINEER OR  
12 PROFESSIONAL LAND SURVEYOR UNDER THE PROVISIONS OF THE ACT OF  
13 MAY 23, 1945 (P.L.913, NO.367), KNOWN AS THE ENGINEER, LAND  
14 SURVEYOR AND GEOLOGIST REGISTRATION LAW, SHOWING THE OUTSIDE  
15 COAL BOUNDARIES OF THE OPERATING COAL MINE, THE EXISTING  
16 WORKINGS AND EXHAUSTED AREAS AND THE RELATIONSHIP OF THE  
17 BOUNDARIES TO IDENTIFIABLE SURFACE PROPERTIES AND LANDMARKS. A  
18 PERSON OWNING OR OPERATING AN OPERATING COAL MINE WHICH HAS BEEN  
19 PENETRATED BY A WELL SHALL FURNISH A MINE MAP TO THE DEPARTMENT  
20 EACH YEAR INDICATING THE EXCAVATIONS FOR THE PRECEDING YEAR AND  
21 THE PROJECTIONS FOR THE ENSUING YEAR. THE MAP REQUIRED BY THIS  
22 SUBSECTION SHALL BE FURNISHED TO A PERSON STORING OR  
23 CONTEMPLATING THE STORAGE OF GAS IN THE VICINITY OF OPERATING  
24 COAL MINES, UPON WRITTEN REQUEST, BY THE COAL OPERATOR, AND THE  
25 PERSON AND THE DEPARTMENT SHALL THEREAFTER BE INFORMED OF ANY  
26 BOUNDARY CHANGES AT THE TIME THE CHANGES OCCUR. THE DEPARTMENT  
27 SHALL KEEP A RECORD OF THE INFORMATION AND PROMPTLY NOTIFY THE  
28 COAL OPERATOR AND STORAGE OPERATOR WHEN NOTIFIED BY THEM THAT  
29 THE COAL MINE AND THE STORAGE RESERVOIR ARE WITHIN 10,000 LINEAR  
30 FEET OF EACH OTHER.

1       (B) MINES NEAR CERTAIN RESERVOIRS.--A PERSON OWNING OR  
2 OPERATING ANY COAL MINE WHICH IS OR WHICH COMES WITHIN 10,000  
3 LINEAR FEET OF A STORAGE RESERVOIR AND WHERE THE COAL SEAM BEING  
4 OPERATED EXTENDS OVER THE STORAGE RESERVOIR OR RESERVOIR  
5 PROTECTIVE AREA SHALL, WITHIN 45 DAYS AFTER RECEIVING NOTICE  
6 FROM THE STORAGE OPERATOR OF THAT FACT, FILE WITH THE DEPARTMENT  
7 AND FURNISH TO THE PERSON OPERATING THE STORAGE RESERVOIR A MAP  
8 IN THE FORM REQUIRED BY SUBSECTION (A) SHOWING, IN ADDITION TO  
9 THE REQUIREMENTS OF SUBSECTION (A), EXISTING AND PROJECTED  
10 EXCAVATIONS AND WORKINGS OF THE OPERATING COAL MINE FOR THE  
11 ENSUING 18-MONTH PERIOD AND THE LOCATION OF OIL OR GAS WELLS OF  
12 WHICH THE COAL OPERATOR HAS KNOWLEDGE. THE PERSON OWNING OR  
13 OPERATING THE COAL MINE SHALL, EACH SIX MONTHS THEREAFTER, FILE  
14 WITH THE DEPARTMENT AND FURNISH TO THE PERSON OPERATING THE  
15 STORAGE RESERVOIR A REVISED MAP SHOWING ANY ADDITIONAL  
16 EXCAVATIONS AND WORKINGS, TOGETHER WITH THE PROJECTED  
17 EXCAVATIONS AND WORKINGS FOR THE THEN ENSUING 18-MONTH PERIOD,  
18 WHICH MAY BE WITHIN 10,000 LINEAR FEET OF THE STORAGE RESERVOIR.  
19 THE DEPARTMENT MAY REQUIRE A COAL OPERATOR TO FILE REVISED MAPS  
20 AT MORE FREQUENT INTERVALS IF MATERIAL CHANGES HAVE OCCURRED  
21 JUSTIFYING EARLIER FILING. THE PERSON OWNING OR OPERATING THE  
22 COAL MINE SHALL ALSO FILE WITH THE DEPARTMENT AND FURNISH THE  
23 PERSON OPERATING THE RESERVOIR PROMPT NOTICE OF ANY WELLS WHICH  
24 HAVE BEEN CUT INTO, TOGETHER WITH ALL AVAILABLE PERTINENT  
25 INFORMATION.

26       (C) MINES NEAR GAS STORAGE RESERVOIRS.--A PERSON OWNING OR  
27 OPERATING A COAL MINE WHO HAS KNOWLEDGE THAT IT OVERLIES OR IS  
28 WITHIN 2,000 LINEAR FEET OF A GAS STORAGE RESERVOIR SHALL,  
29 WITHIN 30 DAYS, NOTIFY THE DEPARTMENT AND THE STORAGE OPERATOR  
30 OF THAT FACT.

1 (D) MINES PROJECTED TO BE NEAR STORAGE RESERVOIRS.--WHEN A  
2 PERSON OWNING OR OPERATING A COAL MINE EXPECTS THAT, WITHIN THE  
3 ENSUING NINE-MONTH PERIOD, THE COAL MINE WILL BE EXTENDED TO A  
4 POINT WHICH WILL BE WITHIN 2,000 LINEAR FEET OF ANY STORAGE  
5 RESERVOIR, THE PERSON SHALL NOTIFY THE DEPARTMENT AND STORAGE  
6 OPERATOR IN WRITING OF THAT FACT.

7 (E) NEW MINES.--A PERSON INTENDING TO ESTABLISH OR  
8 REESTABLISH AN OPERATING COAL MINE WHICH WILL BE OVER A STORAGE  
9 RESERVOIR OR WITHIN 2,000 LINEAR FEET OF A STORAGE RESERVOIR OR  
10 MAY, WITHIN NINE MONTHS THEREAFTER, BE EXPECTED TO BE WITHIN  
11 2,000 LINEAR FEET OF A STORAGE RESERVOIR SHALL IMMEDIATELY  
12 NOTIFY THE DEPARTMENT AND STORAGE OPERATOR IN WRITING. NOTICE  
13 SHALL INCLUDE THE DATE ON WHICH THE PERSON INTENDS TO ESTABLISH  
14 OR REESTABLISH THE OPERATING COAL MINE.

15 (F) MISDEMEANOR.--A PERSON WHO SERVES NOTICE AS REQUIRED BY  
16 THIS SUBSECTION OF AN INTENTION TO ESTABLISH OR REESTABLISH AN  
17 OPERATING COAL MINE, WITHOUT INTENDING IN GOOD FAITH TO  
18 ESTABLISH OR REESTABLISH THE MINE, IS LIABLE FOR CONTINUING  
19 DAMAGES TO A STORAGE OPERATOR INJURED BY THE IMPROPER NOTICE AND  
20 COMMITTS A MISDEMEANOR SUBJECT TO THE PENALTIES OF SECTION 3255  
21 (RELATING TO PENALTIES).

22 § 3233. GENERAL GAS STORAGE RESERVOIR OPERATIONS.

23 (A) GENERAL RULE.--A PERSON WHO OPERATES OR PROPOSES TO  
24 OPERATE A STORAGE RESERVOIR, EXCEPT ONE FILLED BY THE SECONDARY  
25 RECOVERY OR GAS RECYCLING PROCESS, SHALL:

26 (1) USE EVERY KNOWN METHOD WHICH IS REASONABLE UNDER THE  
27 CIRCUMSTANCES FOR DISCOVERING AND LOCATING ALL WELLS WHICH  
28 HAVE OR MAY HAVE BEEN DRILLED INTO OR THROUGH THE STORAGE  
29 RESERVOIR.

30 (2) PLUG OR RECONDITION, AS PROVIDED IN DEPARTMENTAL



1 REGULATIONS, ALL KNOWN WELLS DRILLED INTO OR THROUGH THE  
2 STORAGE RESERVOIR, EXCEPT TO THE EXTENT OTHERWISE PROVIDED IN  
3 SUBSECTIONS (B) AND (C).

4 (B) WELLS TO BE PLUGGED.--TO COMPLY WITH SUBSECTION (A),  
5 WELLS WHICH ARE TO BE PLUGGED SHALL BE PLUGGED IN THE MANNER  
6 SPECIFIED IN SECTION 3220 (RELATING TO PLUGGING REQUIREMENTS).

7 (B.1) WELLS PLUGGED PRIOR TO ENACTMENT OF SECTION.--IF A  
8 WELL LOCATED IN THE STORAGE RESERVOIR AREA HAS BEEN PLUGGED  
9 PRIOR TO APRIL 18, 1985, AND ON THE BASIS OF DATA, INFORMATION  
10 AND OTHER EVIDENCE SUBMITTED TO THE DEPARTMENT, IT IS DETERMINED  
11 THAT THE PLUGGING WAS DONE IN THE MANNER REQUIRED BY SECTION  
12 3220 OR APPROVED AS AN ALTERNATIVE METHOD UNDER SECTION 3221  
13 (RELATING TO ALTERNATIVE METHODS) AND THE PLUGGING IS STILL  
14 SUFFICIENTLY EFFECTIVE TO MEET THE REQUIREMENTS OF THIS CHAPTER,  
15 THE OBLIGATIONS UNDER SUBSECTION (A) WITH REGARD TO PLUGGING THE  
16 WELL SHALL BE CONSIDERED TO HAVE BEEN FULLY SATISFIED.

17 (C) WELLS TO BE RECONDITIONED.--THE FOLLOWING SHALL APPLY:

18 (1) TO COMPLY WITH SUBSECTION (A), WELLS WHICH ARE TO BE  
19 RECONDITIONED SHALL, UNLESS THE DEPARTMENT BY REGULATION  
20 SPECIFIES A DIFFERENT PROCEDURE, BE CLEANED OUT FROM THE  
21 SURFACE THROUGH THE STORAGE HORIZON, AND THE PRODUCING CASING  
22 AND CASING STRINGS DETERMINED NOT TO BE IN GOOD PHYSICAL  
23 CONDITION SHALL BE REPLACED WITH NEW CASING, USING THE SAME  
24 PROCEDURE AS IS APPLICABLE TO DRILLING A NEW WELL UNDER THIS  
25 CHAPTER. IN THE CASE OF WELLS TO BE USED FOR GAS STORAGE, THE  
26 ANNULAR SPACE BETWEEN EACH STRING OF CASING AND THE ANNULAR  
27 SPACE BEHIND THE LARGEST DIAMETER CASING TO THE EXTENT  
28 POSSIBLE SHALL BE FILLED TO THE SURFACE WITH CEMENT OR  
29 BENTONITIC MUD OR A NONPOROUS MATERIAL APPROVED BY THE  
30 DEPARTMENT UNDER SECTION 3221. AT LEAST 15 DAYS PRIOR TO

1 RECONDITIONING, THE STORAGE OPERATOR SHALL GIVE NOTICE TO THE  
2 DEPARTMENT, SETTING FORTH IN THE NOTICE THE MANNER IN WHICH  
3 IT IS PLANNED TO RECONDITION THE WELL AND ANY PERTINENT DATA  
4 KNOWN TO THE STORAGE OPERATOR WHICH WILL INDICATE THE  
5 CONDITION OF THE WELL EXISTING AT THAT TIME. IN ADDITION, THE  
6 STORAGE OPERATOR SHALL GIVE THE DEPARTMENT AT LEAST 72 HOURS'  
7 NOTICE OF THE TIME WHEN RECONDITIONING IS TO BEGIN. IF NO  
8 OBJECTIONS ARE RAISED BY THE DEPARTMENT WITHIN TEN DAYS, THE  
9 STORAGE OPERATOR MAY PROCEED WITH RECONDITIONING IN  
10 ACCORDANCE WITH THE PLAN AS SUBMITTED. IF OBJECTIONS ARE MADE  
11 BY THE DEPARTMENT, THE DEPARTMENT MAY FIX A TIME AND PLACE  
12 FOR A CONFERENCE UNDER SECTION 3251 (RELATING TO CONFERENCES)  
13 AT WHICH THE STORAGE OPERATOR AND DEPARTMENT SHALL ENDEAVOR  
14 TO AGREE ON A PLAN TO SATISFY THE OBJECTIONS AND MEET THE  
15 REQUIREMENTS OF THIS SECTION. IF NO AGREEMENT IS REACHED, THE  
16 DEPARTMENT MAY, BY AN APPROPRIATE ORDER, DETERMINE WHETHER  
17 THE PLAN AS SUBMITTED MEETS THE REQUIREMENTS OF THIS SECTION  
18 OR WHAT CHANGES, IF ANY, ARE REQUIRED. IF, IN RECONDITIONING  
19 A WELL IN ACCORDANCE WITH THE PLAN, PHYSICAL CONDITIONS ARE  
20 ENCOUNTERED WHICH JUSTIFY OR NECESSITATE A CHANGE IN THE  
21 PLAN, THE STORAGE OPERATOR MAY REQUEST THAT THE PLAN BE  
22 CHANGED. IF THE REQUEST IS DENIED, THE DEPARTMENT SHALL FIX A  
23 CONFERENCE UNDER SECTION 3251 AND PROCEED IN THE SAME MANNER  
24 AS WITH ORIGINAL OBJECTIONS. AN APPLICATION MAY BE MADE IN  
25 THE MANNER PRESCRIBED BY SECTION 3221 FOR APPROVAL OF AN  
26 ALTERNATIVE METHOD OF RECONDITIONING A WELL. IF A WELL  
27 LOCATED WITHIN THE STORAGE RESERVOIR WAS RECONDITIONED, OR  
28 DRILLED AND EQUIPPED, PRIOR TO APRIL 18, 1985, THE  
29 OBLIGATIONS IMPOSED BY SUBSECTION (A), AS TO RECONDITIONING  
30 THE WELL, SHALL BE CONSIDERED FULLY SATISFIED IF, ON THE

1 BASIS OF THE DATA, INFORMATION AND OTHER EVIDENCE SUBMITTED  
2 TO THE DEPARTMENT, IT IS DETERMINED THAT:

3 (I) THE CONDITIONING OR PREVIOUS DRILLING AND  
4 EQUIPPING WAS DONE IN THE MANNER REQUIRED IN THIS  
5 SUBSECTION, IN REGULATIONS PROMULGATED UNDER THIS CHAPTER  
6 OR IN A MANNER APPROVED AS AN ALTERNATIVE METHOD IN  
7 ACCORDANCE WITH SECTION 3221.

8 (II) THE RECONDITIONING OR PREVIOUS DRILLING AND  
9 EQUIPPING IS STILL SUFFICIENTLY EFFECTIVE TO MEET THE  
10 REQUIREMENTS OF THIS CHAPTER.

11 (2) IF A WELL REQUIRES EMERGENCY REPAIRS, THIS CHAPTER  
12 SHALL NOT BE CONSTRUED TO REQUIRE THE STORAGE OPERATOR TO  
13 GIVE ANY NOTICE REQUIRED BY THIS SUBSECTION BEFORE MAKING THE  
14 REPAIRS.

15 (D) EXCEPTION.--THE REQUIREMENTS OF SUBSECTION (A) SHALL NOT  
16 APPLY TO INJECTION OF GAS INTO A STRATUM WHEN THE SOLE PURPOSE  
17 OF INJECTION, REFERRED TO IN THIS SUBSECTION AS TESTING, IS TO  
18 DETERMINE WHETHER THE STRATUM IS SUITABLE FOR STORAGE PURPOSES.  
19 TESTING SHALL BE CONDUCTED ONLY IN COMPLIANCE WITH THE FOLLOWING  
20 REQUIREMENTS:

21 (1) THE PERSON TESTING OR PROPOSING TO TEST SHALL COMPLY  
22 WITH SECTION 3231 (RELATING TO REPORTING REQUIREMENTS FOR GAS  
23 STORAGE OPERATIONS) AND VERIFY THE STATEMENT REQUIRED TO BE  
24 FILED BY THAT SECTION.

25 (2) THE STORAGE OPERATOR SHALL GIVE AT LEAST SIX MONTHS'  
26 WRITTEN NOTICE TO THE DEPARTMENT OF THE FACT THAT INJECTION  
27 OF GAS FOR TESTING PURPOSES IS PROPOSED.

28 (3) IF THE DEPARTMENT HAS OBJECTIONS, THE DEPARTMENT  
29 SHALL FIX A TIME AND PLACE FOR A CONFERENCE UNDER SECTION  
30 3251, NOT MORE THAN TEN DAYS FROM THE DATE OF NOTICE TO THE

1 STORAGE OPERATOR, AT WHICH TIME THE STORAGE OPERATOR AND  
2 DEPARTMENT SHALL ATTEMPT TO RESOLVE THE ISSUES PRESENTED. IF  
3 AN AGREEMENT CANNOT BE REACHED, THE DEPARTMENT MAY ISSUE AN  
4 APPROPRIATE ORDER.

5 (E) FAILURE TO EXECUTE LAWFUL ORDER.--IN A PROCEEDING UNDER  
6 THIS CHAPTER, IF THE DEPARTMENT DETERMINES THAT AN OPERATOR OF A  
7 STORAGE RESERVOIR HAS FAILED TO CARRY OUT A LAWFUL ORDER ISSUED  
8 UNDER THIS CHAPTER, THE DEPARTMENT MAY REQUIRE THE OPERATOR TO  
9 SUSPEND OPERATION OF THE RESERVOIR AND WITHDRAW THE GAS UNTIL  
10 THE VIOLATION IS REMEDIED, IN WHICH CASE THE STORAGE OPERATOR,  
11 LIMITED BY DUE DILIGENCE INsofar AS EXISTING FACILITIES UTILIZED  
12 TO REMOVE GAS FROM THE RESERVOIR WILL PERMIT, SHALL:

13 (1) IF POSSIBLE, REMOVE THE AMOUNT REQUIRED BY THE  
14 DEPARTMENT TO BE REMOVED; OR

15 (2) IN ANY EVENT, REMOVE THE MAXIMUM AMOUNT WHICH CAN BE  
16 WITHDRAWN IN ACCORDANCE WITH RECOGNIZED ENGINEERING AND  
17 OPERATING PROCEDURES.

18 (F) DUTY OF STORAGE RESERVOIR OPERATOR.--THE FOLLOWING SHALL  
19 APPLY:

20 (1) A PERSON OWNING OR OPERATING A STORAGE RESERVOIR  
21 SUBJECT TO THIS CHAPTER SHALL HAVE A DUTY TO:

22 (I) MAINTAIN ALL WELLS DRILLED INTO OR THROUGH THE  
23 RESERVOIR IN A CONDITION, AND OPERATE THEM IN A MANNER,  
24 SUFFICIENT TO PREVENT THE ESCAPE OF GAS.

25 (II) OPERATE AND MAINTAIN THE RESERVOIR AND ITS  
26 FACILITIES AS PRESCRIBED BY DEPARTMENTAL REGULATIONS AND  
27 AT A PRESSURE WHICH WILL PREVENT GAS FROM ESCAPING, BUT  
28 THE PRESSURE SHALL NOT EXCEED THE HIGHEST ROCK PRESSURE  
29 FOUND TO HAVE EXISTED DURING THE PRODUCTION HISTORY OF  
30 THE RESERVOIR OR ANOTHER HIGH PRESSURE LIMIT APPROVED BY

1           THE DEPARTMENT AFTER HOLDING A CONFERENCE UNDER SECTION  
2           3251 BASED ON GEOLOGICAL AND PRODUCTION KNOWLEDGE OF THE  
3           RESERVOIR, ITS CHARACTER, PERMEABILITY DISTRIBUTION AND  
4           OPERATING EXPERIENCE.

5           (2) THE DUTY UNDER PARAGRAPH (1) SHALL NOT BE CONSTRUED  
6           TO INCLUDE INABILITY TO PREVENT THE ESCAPE OF GAS WHEN GAS  
7           ESCAPES AS A RESULT OF AN ACT OF GOD OR A PERSON NOT UNDER  
8           THE CONTROL OF THE STORAGE OPERATOR. IN THAT INSTANCE, THE  
9           STORAGE OPERATOR SHALL HAVE A DUTY TO TAKE ACTION REASONABLY  
10           NECESSARY TO PREVENT FURTHER ESCAPE OF GAS. THIS PARAGRAPH  
11           DOES NOT APPLY TO A WELL WHICH THE STORAGE OPERATOR FAILED TO  
12           LOCATE AND MAKE KNOWN TO THE DEPARTMENT.

13   § 3234. GAS STORAGE RESERVOIR OPERATIONS IN COAL AREAS.

14           (A) GENERAL RULE.--A PERSON OPERATING A STORAGE RESERVOIR  
15           WHICH UNDERLIES OR IS WITHIN 2,000 LINEAR FEET OF A COAL MINE  
16           OPERATING IN A COAL SEAM THAT EXTENDS OVER THE STORAGE RESERVOIR  
17           OR THE RESERVOIR PROTECTIVE AREA SHALL:

18           (1) USE EVERY KNOWN REASONABLE METHOD FOR DISCOVERING  
19           AND LOCATING ALL WELLS WHICH HAVE OR MAY HAVE BEEN DRILLED  
20           INTO OR THROUGH THE STORAGE STRATUM IN THE ACREAGE LYING  
21           WITHIN THE OUTSIDE COAL BOUNDARIES OF THE OPERATING COAL MINE  
22           OVERLYING THE STORAGE RESERVOIR OR THE RESERVOIR PROTECTIVE  
23           AREA.

24           (2) PLUG OR RECONDITION, AS PROVIDED BY SECTION 3220  
25           (RELATING TO PLUGGING REQUIREMENTS) AND SUBSECTION (E), ALL  
26           KNOWN WELLS, EXCEPT TO THE EXTENT PROVIDED IN SUBSECTIONS  
27           (E), (F), (G) AND (H), DRILLED INTO OR THROUGH THE STORAGE  
28           STRATUM AND LOCATED WITHIN THE PORTION OF THE ACREAGE OF THE  
29           OPERATING COAL MINE OVERLYING THE STORAGE RESERVOIR OR THE  
30           RESERVOIR PROTECTIVE AREA. IF AN OBJECTION IS RAISED AS TO

1 USE OF A WELL AS A STORAGE WELL AND AFTER A CONFERENCE UNDER  
2 SECTION 3251 (RELATING TO CONFERENCES), IT IS DETERMINED BY  
3 THE DEPARTMENT, TAKING INTO ACCOUNT ALL CIRCUMSTANCES AND  
4 CONDITIONS, THAT THE WELL SHOULD NOT BE USED AS A STORAGE  
5 WELL, THE WELL SHALL BE PLUGGED UNLESS, IN THE OPINION OF THE  
6 STORAGE OPERATOR, THE WELL MAY BE USED AS A STORAGE WELL IN  
7 THE FUTURE, IN WHICH CASE, UPON APPROVAL OF THE DEPARTMENT  
8 AFTER TAKING INTO ACCOUNT ALL CIRCUMSTANCES AND CONDITIONS,  
9 THE STORAGE OPERATOR MAY RECONDITION AND INACTIVATE THE WELL  
10 RATHER THAN PLUG IT.

11 (3) THE REQUIREMENTS OF PARAGRAPH (2) SHALL BE DEEMED TO  
12 HAVE BEEN FULLY COMPLIED WITH IF, AS THE OPERATING COAL MINE  
13 IS EXTENDED, ALL WELLS WHICH FROM TIME TO TIME COME WITHIN  
14 THE ACREAGE DESCRIBED IN PARAGRAPH (2) ARE RECONDITIONED OR  
15 PLUGGED AS PROVIDED IN SECTION 3220 AND SUBSECTION (E) OR (F)  
16 SO THAT, BY THE TIME THE COAL MINE HAS REACHED A POINT WITHIN  
17 2,000 LINEAR FEET OF THE WELLS, THEY WILL HAVE BEEN  
18 RECONDITIONED OR PLUGGED IN ACCORDANCE WITH SECTION 3220 AND  
19 SUBSECTION (E) OR (F).

20 (B) VERIFIED STATEMENT.--A PERSON OPERATING A STORAGE  
21 RESERVOIR REFERRED TO IN SUBSECTION (A) SHALL FILE WITH THE  
22 DEPARTMENT AND FURNISH A COPY TO THE PERSON OPERATING THE  
23 AFFECTED OPERATING COAL MINE A VERIFIED STATEMENT SETTING FORTH:

24 (1) THAT THE MAP AND ANY SUPPLEMENTAL MAPS REQUIRED BY  
25 SECTION 3231(A) (RELATING TO REPORTING REQUIREMENTS FOR GAS  
26 STORAGE OPERATIONS) HAVE BEEN PREPARED AND FILED IN  
27 ACCORDANCE WITH SECTION 3231.

28 (2) A DETAILED EXPLANATION OF WHAT THE STORAGE OPERATOR  
29 HAS DONE TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (A) (1)  
30 AND (2) AND THE RESULTS OF THOSE ACTIONS.

1           (3) SUCH ADDITIONAL EFFORTS, IF ANY, AS THE STORAGE  
2           OPERATOR IS MAKING AND INTENDS TO MAKE TO LOCATE ALL WELLS.

3           (4) ANY ADDITIONAL WELLS THAT ARE TO BE PLUGGED OR  
4           RECONDITIONED TO MEET THE REQUIREMENTS OF SUBSECTION (A) (2).

5           (B.1) ORDER OF DEPARTMENT.--IF THE STATEMENT REQUIRED UNDER  
6           SUBSECTION (B) IS NOT FILED BY THE STORAGE RESERVOIR OPERATOR  
7           WITHIN THE TIME SPECIFIED BY THIS CHAPTER OR THE REGULATIONS OF  
8           THE DEPARTMENT, THE DEPARTMENT MAY ORDER THE OPERATOR TO FILE  
9           THE STATEMENT.

10          (C) PROCEDURE.--WITHIN 120 DAYS AFTER RECEIPT OF A STATEMENT  
11          REQUIRED BY THIS SECTION, THE DEPARTMENT MAY DIRECT THAT A  
12          CONFERENCE BE HELD IN ACCORDANCE WITH SECTION 3251 TO DETERMINE  
13          WHETHER THE REQUIREMENTS OF SECTION 3231 AND SUBSECTION (A) HAVE  
14          BEEN FULLY MET. AT THE CONFERENCE, IF ANY PERSON BELIEVES THE  
15          REQUIREMENTS HAVE NOT BEEN FULLY MET, THE PARTIES SHALL ATTEMPT  
16          TO AGREE ON ADDITIONAL ACTIONS TO BE TAKEN AND THE TIME FOR  
17          COMPLETION, SUBJECT TO APPROVAL OF THE DEPARTMENT. IF AN  
18          AGREEMENT CANNOT BE REACHED, THE DEPARTMENT SHALL MAKE A  
19          DETERMINATION AND, IF THE DEPARTMENT DETERMINES ANY REQUIREMENTS  
20          HAVE NOT BEEN MET, THE DEPARTMENT SHALL ISSUE AN ORDER  
21          SPECIFYING IN DETAIL THE EXTENT TO WHICH THE REQUIREMENTS HAVE  
22          NOT BEEN MET AND THE ACTIONS WHICH THE STORAGE OPERATOR MUST  
23          COMPLETE TO MEET THE REQUIREMENTS. THE ORDER SHALL GRANT AS MUCH  
24          TIME AS IS REASONABLY NECESSARY TO FULLY COMPLY. IF THE STORAGE  
25          OPERATOR ENCOUNTERS CONDITIONS NOT KNOWN TO EXIST AT THE TIME OF  
26          ISSUANCE OF THE ORDER AND WHICH MATERIALLY AFFECT THE VALIDITY  
27          OF THE ORDER OR THE ABILITY OF THE STORAGE OPERATOR TO COMPLY  
28          WITH IT, THE STORAGE OPERATOR MAY APPLY FOR A REHEARING OR  
29          MODIFICATION OF THE ORDER.

30          (D) NOTIFICATION.--IF, IN COMPLYING WITH SUBSECTION (A), A

1 STORAGE OPERATOR, AFTER FILING THE STATEMENT PROVIDED FOR IN  
2 SUBSECTION (B), PLUGS OR RECONDITIONS A WELL, THE STORAGE  
3 OPERATOR SHALL NOTIFY THE DEPARTMENT AND THE COAL OPERATOR  
4 AFFECTED, IN WRITING, SETTING FORTH FACTS INDICATING THE MANNER  
5 IN WHICH THE PLUGGING OR RECONDITIONING WAS DONE. UPON RECEIPT  
6 OF THE NOTIFICATION, THE COAL OPERATOR OR DEPARTMENT MAY REQUEST  
7 A CONFERENCE UNDER SECTION 3251.

8 (E) PLUGGING WELLS.--IN ORDER TO MEET THE REQUIREMENTS OF  
9 SUBSECTION (A), WELLS WHICH ARE TO BE PLUGGED SHALL BE PLUGGED  
10 IN THE MANNER SPECIFIED IN REGULATIONS PROMULGATED UNDER SECTION  
11 3211 (RELATING TO WELL PERMITS). WHEN A WELL LOCATED WITHIN THE  
12 STORAGE RESERVOIR OR THE RESERVOIR PROTECTIVE AREA HAS BEEN  
13 PLUGGED PRIOR TO APRIL 18, 1985, AND, ON THE BASIS OF THE DATA  
14 INFORMATION AND OTHER EVIDENCE SUBMITTED TO THE DEPARTMENT, IT  
15 IS DETERMINED THAT THE PLUGGING WAS DONE IN THE MANNER REQUIRED  
16 BY SECTION 3220, OR IN A MANNER APPROVED AS AN ALTERNATIVE  
17 METHOD IN ACCORDANCE WITH SECTION 3221 (RELATING TO ALTERNATIVE  
18 METHODS), AND THE PLUGGING IS STILL SUFFICIENTLY EFFECTIVE TO  
19 MEET THE REQUIREMENTS OF THIS CHAPTER, THE REQUIREMENTS OF  
20 SUBSECTION (A) AS TO PLUGGING THE WELL SHALL BE CONSIDERED TO  
21 HAVE BEEN FULLY SATISFIED.

22 (F) RECONDITIONED WELLS.--THE FOLLOWING SHALL APPLY:

23 (1) IN ORDER TO COMPLY WITH SUBSECTION (A), UNLESS THE  
24 DEPARTMENT BY REGULATION SPECIFIES A DIFFERENT PROCEDURE,  
25 WELLS WHICH ARE TO BE RECONDITIONED SHALL BE CLEANED OUT FROM  
26 THE SURFACE THROUGH THE STORAGE HORIZON, AND THE FOLLOWING  
27 CASING STRINGS SHALL BE PULLED AND REPLACED WITH NEW CASING,  
28 USING THE PROCEDURE APPLICABLE TO DRILLING A NEW WELL UNDER  
29 THIS CHAPTER:

30 (I) THE PRODUCING CASING;



1           (II) THE LARGEST DIAMETER CASING PASSING THROUGH THE  
2           LOWEST WORKABLE COAL SEAM UNLESS IT EXTENDS AT LEAST 25  
3           FEET BELOW THE BOTTOM OF THE COAL SEAM AND IS DETERMINED  
4           TO BE IN GOOD PHYSICAL CONDITION, BUT THE STORAGE  
5           OPERATOR MAY, INSTEAD OF REPLACING THE LARGEST DIAMETER  
6           CASING, REPLACE THE NEXT LARGEST CASING STRING IF THE  
7           CASING STRING EXTENDS AT LEAST 25 FEET BELOW THE LOWEST  
8           WORKABLE COAL SEAM; AND

9           (III) CASING STRINGS DETERMINED NOT TO BE IN GOOD  
10           PHYSICAL CONDITION.

11           (2) IN THE CASE OF A WELL TO BE USED FOR GAS STORAGE,  
12           THE ANNULAR SPACE BETWEEN EACH STRING OF CASING AND THE  
13           ANNULAR SPACE BEHIND THE LARGEST DIAMETER CASING, TO THE  
14           EXTENT POSSIBLE, SHALL BE FILLED TO THE SURFACE WITH CEMENT  
15           OR BENTONITIC MUD OR AN EQUALLY NONPOROUS MATERIAL APPROVED  
16           BY THE DEPARTMENT UNDER SECTION 3221.

17           (3) AT LEAST 15 DAYS BEFORE A WELL IS TO BE  
18           RECONDITIONED, THE STORAGE OPERATOR SHALL GIVE NOTICE TO THE  
19           DEPARTMENT AND THE COAL OPERATOR, LESSEE OR OWNER, SETTING  
20           FORTH THE MANNER IN WHICH RECONDITIONING IS PLANNED AND  
21           PERTINENT DATA KNOWN TO THE STORAGE OPERATOR WHICH WILL  
22           INDICATE THE CURRENT CONDITION OF THE WELL, ALONG WITH AT  
23           LEAST 72 HOURS' NOTICE OF THE DATE AND TIME WHEN  
24           RECONDITIONING WILL BEGIN. THE COAL OPERATOR, LESSEE OR OWNER  
25           SHALL HAVE THE RIGHT TO FILE, WITHIN TEN DAYS AFTER RECEIPT  
26           OF THE NOTICE, OBJECTIONS TO THE PLAN OF RECONDITIONING AS  
27           SUBMITTED BY THE STORAGE OPERATOR. IF NO OBJECTIONS ARE FILED  
28           AND NONE ARE RAISED BY THE DEPARTMENT WITHIN TEN DAYS, THE  
29           STORAGE OPERATOR MAY PROCEED WITH RECONDITIONING IN  
30           ACCORDANCE WITH THE PLAN AS SUBMITTED. IF AN OBJECTION IS

1 FILED OR MADE BY THE DEPARTMENT, THE DEPARTMENT SHALL FIX A  
2 TIME AND PLACE FOR A CONFERENCE UNDER SECTION 3251, AT WHICH  
3 CONFERENCE THE STORAGE OPERATOR AND THE PERSON HAVING  
4 OBJECTIONS SHALL ATTEMPT TO AGREE ON A PLAN OF RECONDITIONING  
5 THAT MEETS THE REQUIREMENTS OF THIS SECTION. IF NO AGREEMENT  
6 IS REACHED, THE DEPARTMENT SHALL, BY AN APPROPRIATE ORDER,  
7 DETERMINE WHETHER THE PLAN AS SUBMITTED MEETS THE  
8 REQUIREMENTS OF THIS SECTION OR WHAT CHANGES SHOULD BE MADE  
9 TO MEET THE REQUIREMENTS. IF, IN RECONDITIONING THE WELL IN  
10 ACCORDANCE WITH THE PLAN, PHYSICAL CONDITIONS ARE ENCOUNTERED  
11 WHICH JUSTIFY OR NECESSITATE A CHANGE IN THE PLAN, THE  
12 STORAGE OPERATOR OR COAL OPERATOR MAY REQUEST THAT THE PLAN  
13 BE CHANGED. IF THE PARTIES CANNOT AGREE ON A CHANGE, THE  
14 DEPARTMENT SHALL ARRANGE FOR A CONFERENCE TO DETERMINE THE  
15 MATTER IN THE SAME MANNER AS SET FORTH IN CONNECTION WITH  
16 ORIGINAL OBJECTIONS TO THE PLAN.

17 (4) APPLICATION MAY BE MADE TO THE DEPARTMENT IN THE  
18 MANNER PRESCRIBED IN SECTION 3221 FOR APPROVAL OF AN  
19 ALTERNATIVE METHOD OF RECONDITIONING A WELL. WHEN A WELL  
20 LOCATED WITHIN THE STORAGE RESERVOIR OR THE RESERVOIR  
21 PROTECTIVE AREA HAS BEEN RECONDITIONED OR DRILLED AND  
22 EQUIPPED PRIOR TO APRIL 18, 1985, AND, ON THE BASIS OF THE  
23 DATA, INFORMATION AND OTHER EVIDENCE SUBMITTED TO THE  
24 DEPARTMENT, THE OBLIGATIONS IMPOSED BY SUBSECTION (A) AS TO  
25 RECONDITIONING THE WELL SHALL BE CONSIDERED TO BE FULLY  
26 SATISFIED IF IT IS DETERMINED THAT RECONDITIONING OR PREVIOUS  
27 DRILLING AND EQUIPPING:

28 (I) WAS DONE IN THE MANNER REQUIRED IN THIS  
29 SUBSECTION, OR IN REGULATIONS PROMULGATED HEREUNDER, OR  
30 IN A MANNER APPROVED AS AN ALTERNATIVE METHOD IN

1 ACCORDANCE WITH SECTION 3221; OR

2 (II) IS STILL SUFFICIENTLY EFFECTIVE TO MEET THE  
3 REQUIREMENTS OF THIS CHAPTER.

4 (5) IF A WELL REQUIRES EMERGENCY REPAIRS, THIS  
5 SUBSECTION SHALL NOT BE CONSTRUED TO REQUIRE THE STORAGE  
6 OPERATOR TO GIVE THE NOTICES SPECIFIED HEREIN BEFORE MAKING  
7 THE REPAIRS.

8 (G) PRODUCING WELLS.--IF A WELL LOCATED WITHIN THE RESERVOIR  
9 PROTECTIVE AREA IS A PRODUCING WELL IN A STRATUM BELOW THE  
10 STORAGE STRATUM, THE OBLIGATIONS IMPOSED BY SUBSECTION (A) SHALL  
11 NOT BEGIN UNTIL THE WELL CEASES TO BE A PRODUCING WELL.

12 (H) CERTAIN OTHER WELLS.--IF A WELL WITHIN A STORAGE  
13 RESERVOIR OR RESERVOIR PROTECTIVE AREA PENETRATES THE STORAGE  
14 STRATUM BUT DOES NOT PENETRATE THE COAL SEAM BEING MINED BY AN  
15 OPERATING COAL MINE, THE DEPARTMENT MAY, UPON APPLICATION OF THE  
16 OPERATOR OF THE STORAGE RESERVOIR, EXEMPT THE WELL FROM THE  
17 REQUIREMENTS OF THIS SECTION. EITHER PARTY AFFECTED MAY REQUEST  
18 A CONFERENCE UNDER SECTION 3251 WITH RESPECT TO EXEMPTION OF A  
19 WELL COVERED BY THIS SUBSECTION.

20 (I) PLUGGING LIMITATION.--IN FULFILLING THE REQUIREMENTS OF  
21 SUBSECTION (A) (2) WITH RESPECT TO A WELL WITHIN THE RESERVOIR  
22 PROTECTIVE AREA, THE STORAGE OPERATOR SHALL NOT BE REQUIRED TO  
23 PLUG OR RECONDITION THE WELL UNTIL THE STORAGE OPERATOR HAS  
24 RECEIVED FROM THE COAL OPERATOR WRITTEN NOTICE THAT THE MINE  
25 WORKINGS WILL, WITHIN THE PERIOD STATED IN THE NOTICE, BE WITHIN  
26 2,000 LINEAR FEET OF THE WELL. UPON THE RECEIPT OF THE NOTICE,  
27 THE STORAGE OPERATOR SHALL USE DUE DILIGENCE TO COMPLETE THE  
28 PLUGGING OR RECONDITIONING OF THE WELL IN ACCORDANCE WITH THE  
29 REQUIREMENTS OF THIS SECTION AND SECTION 3220. IF THE MINE  
30 WORKINGS DO NOT, WITHIN A PERIOD OF THREE YEARS AFTER THE WELL

1 HAS BEEN PLUGGED, COME WITHIN 2,000 LINEAR FEET OF THE WELL, THE  
2 COAL OPERATOR SHALL REIMBURSE THE STORAGE OPERATOR FOR THE COST  
3 OF PLUGGING, PROVIDED THAT THE WELL IS STILL WITHIN THE  
4 RESERVOIR PROTECTIVE AREA AS OF THAT TIME.

5 (J) RETREAT MINING.--IF RETREAT MINING APPROACHES A POINT  
6 WHERE, WITHIN 90 DAYS, IT IS EXPECTED THAT THE RETREAT WORK WILL  
7 BE AT THE LOCATION OF THE PILLAR SURROUNDING AN ACTIVE STORAGE  
8 WELL, THE COAL OPERATOR SHALL GIVE WRITTEN NOTICE TO THE STORAGE  
9 OPERATOR, AND BY AGREEMENT, THE PARTIES SHALL DETERMINE WHETHER  
10 IT IS NECESSARY OR ADVISABLE TO EFFECTIVELY AND TEMPORARILY  
11 INACTIVATE THE WELL. THE WELL SHALL NOT BE REACTIVATED UNTIL A  
12 REASONABLE PERIOD, DETERMINED BY THE PARTIES, HAS ELAPSED. IF  
13 THE PARTIES CANNOT AGREE AS REQUIRED BY THIS SUBSECTION, THE  
14 MATTER SHALL BE SUBMITTED TO THE DEPARTMENT FOR RESOLUTION. THE  
15 NUMBER OF WELLS REQUIRED TO BE TEMPORARILY INACTIVATED DURING  
16 THE RETREAT PERIOD SHALL NOT BE OF A NUMBER THAT MATERIALLY  
17 AFFECTS EFFICIENT OPERATION OF THE STORAGE POOL, EXCEPT THAT  
18 THIS PROVISION SHALL NOT PRECLUDE TEMPORARY INACTIVATION OF A  
19 PARTICULAR WELL IF THE PRACTICAL EFFECT OF INACTIVATING IT IS TO  
20 RENDER THE POOL TEMPORARILY INOPERATIVE.

21 (K) EXCEPTIONS.--THE REQUIREMENTS OF SUBSECTIONS (A), (L)  
22 AND (M) SHALL NOT APPLY TO INJECTION OF GAS INTO A STRATUM WHEN  
23 THE WHOLE PURPOSE OF INJECTION, REFERRED TO IN THIS SUBSECTION  
24 AS TESTING, IS TO DETERMINE WHETHER THE STRATUM IS SUITABLE FOR  
25 STORAGE PURPOSES. TESTING SHALL BE CONDUCTED ONLY IN COMPLIANCE  
26 WITH THE FOLLOWING REQUIREMENTS:

27 (1) THE PERSON TESTING OR PROPOSING TO TEST SHALL COMPLY  
28 WITH ALL PROVISIONS AND REQUIREMENTS OF SECTION 3231 AND  
29 VERIFY THE STATEMENT REQUIRED TO BE FILED BY THAT SECTION.

30 (2) IF ANY PART OF THE PROPOSED STORAGE RESERVOIR IS

1 UNDER OR WITHIN 2,000 LINEAR FEET OF AN OPERATING COAL MINE  
2 WHICH IS OPERATING IN A COAL SEAM THAT EXTENDS OVER THE  
3 PROPOSED STORAGE RESERVOIR OR THE RESERVOIR PROTECTIVE AREA,  
4 THE STORAGE OPERATOR SHALL GIVE AT LEAST SIX MONTHS' WRITTEN  
5 NOTICE TO THE DEPARTMENT AND COAL OPERATOR OF THE FACT THAT  
6 INJECTION OF GAS FOR TESTING PURPOSES IS PROPOSED.

7 (3) THE COAL OPERATOR AFFECTED MAY AT ANY TIME FILE  
8 OBJECTIONS WITH THE DEPARTMENT, WHEREUPON THE DEPARTMENT  
9 SHALL FIX A TIME AND PLACE FOR A CONFERENCE UNDER SECTION  
10 3251, NOT MORE THAN TEN DAYS FROM THE DATE OF THE NOTICE TO  
11 THE STORAGE OPERATOR. AT THE CONFERENCE, THE STORAGE OPERATOR  
12 AND THE OBJECTING PARTY SHALL ATTEMPT TO AGREE, SUBJECT TO  
13 APPROVAL OF THE DEPARTMENT, ON THE QUESTIONS INVOLVED. IF AN  
14 AGREEMENT CANNOT BE REACHED, THE DEPARTMENT MAY ISSUE AN  
15 APPROPRIATE ORDER.

16 (4) IF AT ANY TIME A PROPOSED STORAGE RESERVOIR BEING  
17 TESTED COMES UNDER OR WITHIN 2,000 LINEAR FEET OF AN  
18 OPERATING COAL MINE BECAUSE OF EXTENSION OF THE STORAGE  
19 RESERVOIR BEING TESTED OR BECAUSE OF EXTENSION OR  
20 ESTABLISHMENT OR REESTABLISHMENT OF THE OPERATING COAL MINE,  
21 THE REQUIREMENTS OF THIS SUBSECTION SHALL IMMEDIATELY BECOME  
22 APPLICABLE TO THE TESTING.

23 (L) STORAGE RESERVOIRS NEAR OPERATING COAL MINES.--A PERSON  
24 WHO PROPOSES TO ESTABLISH A STORAGE RESERVOIR UNDER OR WITHIN  
25 2,000 LINEAR FEET OF A COAL MINE OPERATING IN A COAL SEAM THAT  
26 EXTENDS OVER THE STORAGE RESERVOIR OR THE RESERVOIR PROTECTIVE  
27 AREA SHALL, PRIOR TO ESTABLISHING THE RESERVOIR, AND IN ADDITION  
28 TO COMPLYING WITH SECTION 3231 AND SUBSECTION (A), FILE THE  
29 VERIFIED STATEMENT REQUIRED BY SUBSECTION (B) AND FULLY COMPLY  
30 WITH ANY ORDER OF THE DEPARTMENT IN THE MANNER PROVIDED UNDER

1 SUBSECTION (B) OR (C) BEFORE COMMENCING OPERATION OF THE STORAGE  
2 RESERVOIR. AFTER THE PERSON PROPOSING TO OPERATE THE STORAGE  
3 RESERVOIR COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION AND  
4 COMMENCES OPERATIONS, THE PERSON SHALL CONTINUE TO BE SUBJECT TO  
5 ALL PROVISIONS OF THIS CHAPTER.

6 (M) GAS STORAGE RESERVOIRS.--IF A GAS STORAGE RESERVOIR IS  
7 IN OPERATION ON APRIL 18, 1985, AND AT ANY TIME THEREAFTER IT IS  
8 UNDER OR WITHIN 2,000 LINEAR FEET OF AN OPERATING COAL MINE, OR  
9 IF A GAS STORAGE RESERVOIR IS PUT IN OPERATION AFTER APRIL 18,  
10 1985, AND AT ANY TIME AFTER STORAGE OPERATIONS BEGIN IT IS UNDER  
11 OR WITHIN 2,000 LINEAR FEET OF AN OPERATING COAL MINE, THE  
12 STORAGE OPERATOR SHALL COMPLY WITH ALL OF THE PROVISIONS OF THIS  
13 SECTION, EXCEPT THAT:

14 (1) THE TIME FOR FILING THE VERIFIED STATEMENT UNDER  
15 SUBSECTION (B) SHALL BE 60 DAYS AFTER THE DATE STATED IN THE  
16 NOTICE FILED BY THE COAL OPERATOR UNDER SECTION 3232(D) AND  
17 (E) (RELATING TO REPORTING REQUIREMENTS FOR COAL MINING  
18 OPERATIONS);

19 (2) THE COAL OPERATOR SHALL GIVE NOTICE OF THE DELAY TO  
20 THE DEPARTMENT;

21 (3) THE DEPARTMENT SHALL, UPON THE REQUEST OF THE  
22 STORAGE OPERATOR, EXTEND THE TIME FOR FILING THE STATEMENT BY  
23 THE ADDITIONAL TIME WHICH WILL BE REQUIRED TO EXTEND OR  
24 ESTABLISH OR REESTABLISH THE OPERATING COAL MINE TO A POINT  
25 WITHIN 2,000 LINEAR FEET OF THE RESERVOIR;

26 (4) THE VERIFIED STATEMENT SHALL ALSO INDICATE THAT THE  
27 MAP REFERRED TO IN SECTION 3231(A) HAS BEEN CURRENTLY AMENDED  
28 AS OF THE TIME OF THE FILING OF THE STATEMENT; AND

29 (5) THE PERSON OPERATING THE STORAGE RESERVOIR SHALL  
30 CONTINUE TO BE SUBJECT TO ALL OF THE PROVISIONS OF THIS

1 CHAPTER.

2 (N) FAILURE TO COMPLY WITH ORDER.--IF, IN ANY PROCEEDING  
3 UNDER THIS CHAPTER, THE DEPARTMENT DETERMINES THAT AN OPERATOR  
4 OF A STORAGE RESERVOIR HAS FAILED TO COMPLY WITH A LAWFUL ORDER  
5 ISSUED UNDER THIS CHAPTER, THE DEPARTMENT MAY REQUIRE THE  
6 STORAGE OPERATOR TO SUSPEND OPERATION OF THE RESERVOIR AND  
7 WITHDRAW THE GAS FROM IT UNTIL THE VIOLATION IS REMEDIED, IN  
8 WHICH CASE THE STORAGE OPERATOR, LIMITED BY DUE DILIGENCE  
9 INSOFAR AS EXISTING FACILITIES UTILIZED TO REMOVE GAS FROM THE  
10 RESERVOIR WILL PERMIT, SHALL:

11 (1) IF POSSIBLE, REMOVE THE AMOUNT REQUIRED BY THE  
12 DEPARTMENT TO BE REMOVED; OR

13 (2) IN ANY EVENT, REMOVE THE MAXIMUM AMOUNT WHICH CAN BE  
14 WITHDRAWN IN ACCORDANCE WITH RECOGNIZED ENGINEERING AND  
15 OPERATING PROCEDURES.

16 (O) PREVENTION OF ESCAPE OF GAS.--IN ADDITION TO INITIAL  
17 COMPLIANCE WITH OTHER PROVISIONS OF THIS CHAPTER AND LAWFUL  
18 ORDERS ISSUED UNDER THIS CHAPTER, IT SHALL BE THE DUTY, AT ALL  
19 TIMES, OF A PERSON OWNING OR OPERATING A STORAGE RESERVOIR  
20 SUBJECT TO THIS CHAPTER TO KEEP ALL WELLS DRILLED INTO OR  
21 THROUGH THE STORAGE STRATUM IN A CONDITION, AND OPERATE THE  
22 WELLS IN A MANNER, WHICH IS DESIGNED TO PREVENT THE ESCAPE OF  
23 GAS OUT OF THE STORAGE RESERVOIR AND ITS FACILITIES, AND TO  
24 OPERATE AND MAINTAIN THE STORAGE RESERVOIR AND ITS FACILITIES IN  
25 THE MANNER PRESCRIBED BY REGULATION OF THE DEPARTMENT AND AT A  
26 PRESSURE THAT WILL PREVENT GAS FROM ESCAPING FROM THE RESERVOIR  
27 OR ITS FACILITIES. THIS DUTY SHALL NOT BE CONSTRUED TO INCLUDE  
28 INABILITY TO PREVENT THE ESCAPE OF GAS WHEN ESCAPE RESULTS FROM  
29 AN ACT OF GOD OR A PERSON NOT UNDER THE CONTROL OF THE STORAGE  
30 OPERATOR, EXCEPT THAT THIS EXCEPTION DOES NOT APPLY TO A WELL

1 WHICH THE STORAGE OPERATOR HAS FAILED TO LOCATE AND MAKE KNOWN  
2 TO THE DEPARTMENT. IF AN ESCAPE OF GAS RESULTS FROM AN ACT OF  
3 GOD OR A PERSON NOT UNDER THE CONTROL OF THE STORAGE OPERATOR,  
4 THE STORAGE OPERATOR SHALL BE UNDER THE DUTY TO TAKE ANY ACTION  
5 REASONABLY NECESSARY TO PREVENT FURTHER ESCAPE OF GAS OUT OF THE  
6 STORAGE RESERVOIR AND ITS FACILITIES.

7 § 3235. INSPECTION OF FACILITIES AND RECORDS.

8 (A) GENERAL RULE.--THE PERSON OPERATING A STORAGE RESERVOIR  
9 AFFECTED BY THIS CHAPTER SHALL, AT ALL REASONABLE TIMES, BE  
10 PERMITTED TO INSPECT APPLICABLE RECORDS AND FACILITIES OF A COAL  
11 MINE OVERLYING THE STORAGE RESERVOIR OR RESERVOIR PROTECTIVE  
12 AREA. THE PERSON OPERATING A COAL MINE AFFECTED BY THIS CHAPTER  
13 SHALL, AT ALL REASONABLE TIMES, BE PERMITTED TO INSPECT  
14 APPLICABLE RECORDS AND FACILITIES OF A STORAGE RESERVOIR  
15 UNDERLYING THE COAL MINE.

16 (B) ORDER.--IF A STORAGE OPERATOR OR COAL OPERATOR SUBJECT  
17 TO SUBSECTION (A) REFUSES TO PERMIT INSPECTION OF RECORDS OR  
18 FACILITIES, THE DEPARTMENT MAY, ON ITS OWN MOTION OR ON  
19 APPLICATION OF THE PARTY SEEKING INSPECTION, AFTER REASONABLE  
20 WRITTEN NOTICE AND A HEARING IF REQUESTED BY AN AFFECTED PARTY,  
21 ORDER INSPECTION.

22 § 3236. RELIANCE ON MAPS AND BURDEN OF PROOF.

23 (A) GENERAL RULE.--IN DETERMINING WHETHER A COAL MINE OR  
24 OPERATING COAL MINE IS OR WILL BE WITHIN A PARTICULAR DISTANCE  
25 FROM A STORAGE RESERVOIR WHICH IS MATERIAL UNDER THIS CHAPTER,  
26 THE OWNER OR OPERATOR OF THE COAL MINE AND THE STORAGE OPERATOR  
27 MAY RELY ON THE MOST RECENT MAP OF THE STORAGE RESERVOIR OR COAL  
28 MINE FILED BY THE OTHER PARTY WITH THE DEPARTMENT.

29 (B) ACCURACY.--WHERE ACCURACY OF A MAP OR DATA FILED UNDER  
30 THIS CHAPTER IS IN ISSUE, THE PERSON THAT FILED THE MAP OR DATA



1 SHALL:

2 (1) AT THE REQUEST OF AN OBJECTING PARTY, DISCLOSE THE  
3 INFORMATION AND METHOD USED TO COMPILE THE MAP OR DATA, ALONG  
4 WITH ANY INFORMATION AVAILABLE TO THE PERSON THAT MIGHT  
5 AFFECT CURRENT VALIDITY OF THE MAP OR DATA; AND

6 (2) HAVE THE BURDEN OF PROVING ACCURACY OF THE MAP OR  
7 DATA.

8 § 3237. EXEMPTIONS AND PROHIBITIONS.

9 (A) INAPPLICABILITY OF CHAPTER TO CERTAIN COAL MINES.--THIS  
10 CHAPTER SHALL NOT APPLY TO THE FOLLOWING TYPES OF COAL MINES:

11 (1) STRIP MINES AND AUGER MINES OPERATING FROM THE  
12 SURFACE.

13 (2) MINES TO WHICH THE FORMER ACT OF JUNE 9, 1911  
14 (P.L.756, NO.319), ENTITLED "AN ACT TO PROVIDE FOR THE HEALTH  
15 AND SAFETY OF PERSONS EMPLOYED IN AND ABOUT THE BITUMINOUS  
16 COAL-MINES OF PENNSYLVANIA, AND FOR THE PROTECTION AND  
17 PRESERVATION OF PROPERTY CONNECTED THEREWITH," DID NOT APPLY  
18 IN ACCORDANCE WITH SECTION 3 OF THAT ACT.

19 (3) MINES TO WHICH THE FORMER ACT OF JUNE 2, 1891  
20 (P.L.176, NO.177), ENTITLED "AN ACT TO PROVIDE FOR THE HEALTH  
21 AND SAFETY OF PERSONS EMPLOYED IN AND ABOUT THE ANTHRACITE  
22 COAL MINES OF PENNSYLVANIA AND FOR THE PROTECTION AND  
23 PRESERVATION OF PROPERTY CONNECTED THEREWITH," DID NOT APPLY  
24 IN ACCORDANCE WITH SECTION 32 OF THAT ACT.

25 (B) WORKABLE COAL SEAMS.--INJECTION OF GAS FOR STORAGE  
26 PURPOSES IN A WORKABLE COAL SEAM, WHETHER OR NOT IT IS BEING OR  
27 HAS BEEN MINED, IS PROHIBITED.

28 (B.1) ORIGINAL EXTRACTION.--NOTHING IN THIS CHAPTER  
29 PROHIBITS ORIGINAL EXTRACTION OF NATURAL GAS, CRUDE OIL OR COAL.

30 (C) CERTAIN ROCK FORMATIONS.--NOTHING IN THIS CHAPTER

1 APPLIES TO STORAGE OF GAS OR LIQUIDS IN STORAGE RESERVOIRS  
2 EXCAVATED IN ROCK FORMATIONS SPECIFICALLY FOR STORAGE PURPOSES.

3 SUBCHAPTER D

4 EMINENT DOMAIN

5 SEC.

6 3241. APPROPRIATION OF INTEREST IN REAL PROPERTY.

7 § 3241. APPROPRIATION OF INTEREST IN REAL PROPERTY.

8 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN THIS SUBSECTION, A  
9 CORPORATION EMPOWERED TO TRANSPORT, SELL OR STORE NATURAL GAS OR  
10 MANUFACTURED GAS IN THIS COMMONWEALTH MAY APPROPRIATE AN  
11 INTEREST IN REAL PROPERTY LOCATED IN A STORAGE RESERVOIR OR  
12 RESERVOIR PROTECTIVE AREA FOR INJECTION, STORAGE AND REMOVAL  
13 FROM STORAGE OF NATURAL GAS OR MANUFACTURED GAS IN A STRATUM  
14 WHICH IS OR PREVIOUSLY HAS BEEN COMMERCIALY PRODUCTIVE OF  
15 NATURAL GAS. THE RIGHT GRANTED BY THIS SUBSECTION SHALL NOT BE  
16 EXERCISED TO ACQUIRE ANY OF THE FOLLOWING FOR THE PURPOSE OF GAS  
17 STORAGE:

18 (1) AN INTEREST IN A GEOLOGICAL STRATUM WITHIN THE AREA  
19 OF A PROPOSED STORAGE RESERVOIR OR RESERVOIR PROTECTIVE AREA:

20 (I) UNLESS THE ORIGINAL RECOVERABLE OIL OR GAS  
21 RESERVES IN THE PROPOSED STORAGE RESERVOIR HAVE BEEN  
22 DEPLETED OR EXHAUSTED BY AT LEAST 80%; AND

23 (II) UNTIL THE CONDEMNOR HAS ACQUIRED THE RIGHT, BY  
24 GRANT, LEASE OR OTHER AGREEMENT, TO STORE GAS IN THE  
25 GEOLOGICAL STRATUM UNDERLYING AT LEAST 75% OF THE AREA OF  
26 THE PROPOSED STORAGE RESERVOIR.

27 (2) AN INTEREST IN A GEOLOGICAL STRATUM WITHIN THE AREA  
28 OF A PROPOSED STORAGE RESERVOIR OR RESERVOIR PROTECTIVE AREA  
29 OWNED DIRECTLY OR INDIRECTLY BY A GAS COMPANY OR OTHER PERSON  
30 ENGAGED IN LOCAL DISTRIBUTION OF NATURAL GAS, IF THE INTEREST

1 TO BE ACQUIRED IS PRESENTLY BEING USED BY THE GAS COMPANY OR  
2 OTHER PERSON FOR STORAGE OF GAS IN PERFORMANCE OF SERVICE TO  
3 CUSTOMERS IN ITS SERVICE AREA.

4 (B) CONSTRUCTION.--THE FOLLOWING SHALL APPLY:

5 (1) THIS CHAPTER AUTHORIZES APPROPRIATION WITHIN A  
6 STORAGE RESERVOIR OR RESERVOIR PROTECTIVE AREA OF THE  
7 FOLLOWING:

8 (I) A STRATUM TO BE USED FOR STORAGE;

9 (II) ANY GAS RESERVE REMAINING A STRATUM TO BE USED  
10 FOR STORAGE;

11 (III) AN ACTIVE OR ABANDONED WELL OR WELLS DRILLED  
12 INTO A STRATUM TO BE USED FOR STORAGE; AND

13 (IV) THE RIGHT TO ENTER UPON AND USE THE SURFACE OF  
14 LANDS TO:

15 (A) LOCATE, RECONDITION, MAINTAIN, PLUG OR  
16 REPLUG AN ACTIVE OR ABANDONED WELL; OR

17 (B) OPERATE A WELL DRILLED INTO OR THROUGH A  
18 STRATUM TO BE USED FOR STORAGE.

19 (2) THIS CHAPTER DOES NOT PRECLUDE THE OWNER OF  
20 NONSTORAGE STRATA FROM DRILLING WELLS TO PRODUCE OIL OR GAS  
21 FROM A STRATUM ABOVE OR BELOW THE STORAGE STRATUM  
22 APPROPRIATED BY ANOTHER PERSON, BUT A PERSON APPROPRIATING OR  
23 HOLDING STORAGE RIGHTS MAY ACCESS, INSPECT AND EXAMINE THE  
24 DRILLING, THE COMPLETED WELL, DRILLING LOGS AND OTHER RECORDS  
25 RELATING TO DRILLING, EQUIPPING OR OPERATING THE WELL IN  
26 ORDER TO DETERMINE WHETHER THE STORAGE STRATUM IS BEING  
27 ADEQUATELY PROTECTED TO PREVENT ESCAPE OF GAS STORED THEREIN.

28 (3) THIS CHAPTER DOES NOT AUTHORIZE APPROPRIATION OF A  
29 COAL OR COAL MEASURE, REGARDLESS OF WHETHER IT IS BEING  
30 MINED, OR AN INTEREST IN THE COAL MINE OR COAL MEASURE.

1       (C) ACTIVITIES THROUGH APPROPRIATED STRATA.--A PERSON  
2 DRILLING, OPERATING, USING OR PLUGGING A WELL THROUGH A STRATUM  
3 APPROPRIATED UNDER THIS CHAPTER SHALL DRILL, CASE, EQUIP,  
4 OPERATE OR PLUG IT IN A MANNER DESIGNED TO PREVENT AVOIDABLE  
5 ESCAPE OF GAS THAT MAY BE STORED IN THE STORAGE STRATUM. UPON  
6 VIOLATION OF THIS SUBSECTION, THE COURT OF COMMON PLEAS OF THE  
7 COUNTY WHERE THE LAND IN QUESTION IS SITUATED MAY COMPEL  
8 COMPLIANCE BY INJUNCTION OR GRANT OTHER APPROPRIATE RELIEF IN AN  
9 ACTION BROUGHT BY THE PERSON STORING GAS IN THE STORAGE STRATUM.

10       (D) PREREQUISITES TO APPROPRIATION.--BEFORE APPROPRIATING  
11 UNDER THIS CHAPTER, A PERSON SHALL ATTEMPT TO AGREE WITH OWNERS  
12 OF INTERESTS IN THE REAL PROPERTY INVOLVED AS TO DAMAGES PAYABLE  
13 FOR RIGHTS AND INTERESTS TO BE APPROPRIATED, IF THE OWNERS CAN  
14 BE FOUND AND ARE SUI JURIS. IF THE PARTIES FAIL TO AGREE, THE  
15 PERSON SHALL TENDER A SURETY BOND TO THE OWNERS TO SECURE THEM  
16 IN THE PAYMENT OF DAMAGES. IF THE OWNERS REFUSE TO ACCEPT THE  
17 BOND, CANNOT BE FOUND OR ARE NOT SUI JURIS, AND AFTER REASONABLE  
18 NOTICE TO THE OWNERS BY ADVERTISEMENT OR OTHERWISE, THE BOND  
19 SHALL BE PRESENTED FOR APPROVAL TO THE COURT OF COMMON PLEAS OF  
20 THE COUNTY IN WHICH THE TRACT OF LAND IS SITUATED. UPON THE  
21 APPROVAL OF THE BOND BY THE COURT, THE RIGHT OF THE PERSON TO  
22 APPROPRIATE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER  
23 SHALL BE COMPLETE.

24       (E) APPOINTMENT OF VIEWERS.--UPON PETITION OF A PROPERTY  
25 OWNER OR A PERSON APPROPRIATING UNDER THIS CHAPTER, THE COURT  
26 SHALL:

27               (1) APPOINT THREE DISINTERESTED FREEHOLDERS OF THE  
28 COUNTY TO SERVE AS VIEWERS TO ASSESS DAMAGES TO BE PAID TO  
29 THE PROPERTY OWNER FOR THE RIGHTS APPROPRIATED;

30               (2) FIX A TIME FOR THE PARTIES TO MEET;



1 TIME, REQUEST THAT A CONFERENCE BE HELD TO DISCUSS AND ATTEMPT  
2 TO RESOLVE BY MUTUAL AGREEMENT A MATTER ARISING UNDER THIS  
3 CHAPTER. UNLESS OTHERWISE PROVIDED, CONFERENCES SHALL BE HELD  
4 WITHIN 90 DAYS AFTER A REQUEST IS RECEIVED BY THE DEPARTMENT,  
5 AND NOTICE SHALL BE GIVEN BY THE DEPARTMENT TO ALL INTERESTED  
6 PARTIES. A REPRESENTATIVE OF THE DEPARTMENT SHALL ATTEND THE  
7 CONFERENCE AND THE DEPARTMENT MAY MAKE RECOMMENDATIONS. AN  
8 AGREEMENT REACHED AT A CONFERENCE SHALL BE CONSISTENT WITH THIS  
9 CHAPTER AND, IF APPROVED BY THE DEPARTMENT, IT SHALL BE REDUCED  
10 TO WRITING AND SHALL BE EFFECTIVE, UNLESS REVIEWED AND REJECTED  
11 BY THE DEPARTMENT WITHIN TEN DAYS AFTER THE CONFERENCE. THE  
12 RECORD OF AN AGREEMENT APPROVED BY THE DEPARTMENT SHALL BE KEPT  
13 ON FILE BY THE DEPARTMENT AND COPIES SHALL BE FURNISHED TO THE  
14 PARTIES. THE SCHEDULING OF A CONFERENCE SHALL HAVE NO EFFECT ON  
15 THE DEPARTMENT'S AUTHORITY TO ISSUE ORDERS TO COMPEL COMPLIANCE  
16 WITH THIS CHAPTER.

17 (B) NOTIFICATION.--WHEN A COAL OPERATOR IS TO BE NOTIFIED OF  
18 A PROCEEDING UNDER THIS SECTION, THE DEPARTMENT SIMULTANEOUSLY  
19 SHALL SEND A COPY OF THE NOTICE TO THE COLLECTIVE BARGAINING  
20 REPRESENTATIVE OF EMPLOYEES OF THE COAL OPERATOR.

21 § 3252. PUBLIC NUISANCES.

22 A VIOLATION OF SECTION 3215.1 (RELATING TO GENERAL  
23 RESTRICTIONS), 3216 (RELATING TO WELL SITE RESTORATION), 3217  
24 (RELATING TO PROTECTION OF FRESH GROUNDWATER AND CASING  
25 REQUIREMENTS), 3218 (RELATING TO PROTECTION OF WATER SUPPLIES),  
26 3219 (RELATING TO USE OF SAFETY DEVICES) OR 3220 (RELATING TO  
27 PLUGGING REQUIREMENTS), OR A RULE, REGULATION, ORDER, TERM OR  
28 CONDITION OF A PERMIT RELATING TO ANY OF THOSE SECTIONS  
29 CONSTITUTES A PUBLIC NUISANCE.

30 § 3253. ENFORCEMENT ORDERS.

1 (A) GENERAL RULE.--EXCEPT AS MODIFIED BY SUBSECTIONS (B),  
2 (C) AND (D), THE DEPARTMENT MAY ISSUE ORDERS NECESSARY TO AID IN  
3 ENFORCEMENT OF THIS CHAPTER. AN ORDER ISSUED UNDER THIS CHAPTER  
4 SHALL TAKE EFFECT UPON NOTICE, UNLESS THE ORDER SPECIFIES  
5 OTHERWISE. THE POWER OF THE DEPARTMENT TO ISSUE AN ORDER UNDER  
6 THIS CHAPTER IS IN ADDITION TO ANY OTHER REMEDY AVAILABLE TO THE  
7 DEPARTMENT UNDER THIS CHAPTER OR UNDER ANY OTHER LAW.

8 (B) SUSPENSION AND REVOCATION.--THE DEPARTMENT MAY SUSPEND  
9 OR REVOKE A WELL PERMIT OR WELL REGISTRATION FOR ANY WELL IN  
10 CONTINUING VIOLATION OF THIS CHAPTER, THE ACT OF JUNE 22, 1937  
11 (P.L.1987, NO.394), KNOWN AS THE CLEAN STREAMS LAW; THE ACT OF  
12 JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE SOLID WASTE  
13 MANAGEMENT ACT; ANY OTHER STATUTE ADMINISTERED BY THE  
14 DEPARTMENT; OR A RULE OR REGULATION. A SUSPENSION ORDER OF THE  
15 DEPARTMENT SHALL AUTOMATICALLY TERMINATE IF THE VIOLATION UPON  
16 WHICH IT IS BASED IS CORRECTED BY THE OPERATOR TO THE  
17 SATISFACTION OF THE DEPARTMENT IN ORDER TO BRING THE WELL INTO  
18 COMPLIANCE WITH THIS CHAPTER.

19 (C) WRITTEN NOTICE.--PRIOR TO SUSPENSION OR REVOCATION OF A  
20 WELL PERMIT OR REGISTRATION, THE DEPARTMENT SHALL SERVE WRITTEN  
21 NOTICE ON THE WELL OPERATOR OR ITS AGENT, STATING SPECIFICALLY  
22 THE STATUTORY PROVISION, RULE, REGULATION OR OTHER REASON RELIED  
23 UPON, ALONG WITH FACTUAL CIRCUMSTANCES SURROUNDING THE ALLEGED  
24 VIOLATION.

25 (D) IMMEDIATE ORDERS.--AN ORDER OF THE DEPARTMENT REQUIRING  
26 IMMEDIATE CESSATION OF DRILLING OPERATIONS SHALL BE EFFECTIVE  
27 ONLY IF AUTHORIZED BY THE SECRETARY OR A DESIGNEE.

28 (E) GRIEVANCES.--A PERSON AGGRIEVED BY A DEPARTMENT ORDER  
29 ISSUED UNDER THIS SECTION SHALL HAVE THE RIGHT, WITHIN 30 DAYS  
30 OF RECEIPT OF THE NOTICE, TO APPEAL TO THE ENVIRONMENTAL HEARING

1 BOARD.

2 § 3254. RESTRAINING VIOLATIONS.

3 (A) GENERAL RULE.--IN ADDITION TO ANY OTHER REMEDY PROVIDED  
4 IN THIS CHAPTER, THE DEPARTMENT MAY INSTITUTE A SUIT IN EQUITY  
5 IN THE NAME OF THE COMMONWEALTH FOR AN INJUNCTION TO RESTRAIN A  
6 VIOLATION OF THIS CHAPTER OR RULES, REGULATIONS, STANDARDS OR  
7 ORDERS ADOPTED OR ISSUED UNDER THIS CHAPTER AND TO RESTRAIN THE  
8 MAINTENANCE OR THREAT OF A PUBLIC NUISANCE. UPON MOTION OF THE  
9 COMMONWEALTH, THE COURT SHALL ISSUE A PROHIBITORY OR MANDATORY  
10 PRELIMINARY INJUNCTION IF IT FINDS THAT THE DEFENDANT IS  
11 ENGAGING IN UNLAWFUL CONDUCT, AS DEFINED BY THIS CHAPTER, OR  
12 CONDUCT CAUSING IMMEDIATE AND IRREPARABLE HARM TO THE PUBLIC.  
13 THE COMMONWEALTH SHALL NOT BE REQUIRED TO FURNISH BOND OR OTHER  
14 SECURITY IN CONNECTION WITH THE PROCEEDING. IN ADDITION TO AN  
15 INJUNCTION, THE COURT IN EQUITY MAY LEVEL CIVIL PENALTIES AS  
16 SPECIFIED IN SECTION 3256 (RELATING TO CIVIL PENALTIES).

17 (B) DISTRICT ATTORNEY.--IN ADDITION TO OTHER REMEDIES IN  
18 THIS CHAPTER, UPON RELATION OF THE DISTRICT ATTORNEY OF A COUNTY  
19 AFFECTED, OR UPON RELATION OF THE SOLICITOR OF A MUNICIPALITY  
20 AFFECTED, AN ACTION IN EQUITY MAY BE BROUGHT IN A COURT OF  
21 COMPETENT JURISDICTION FOR AN INJUNCTION TO RESTRAIN A VIOLATION  
22 OF THIS CHAPTER OR RULES AND REGULATIONS PROMULGATED UNDER THIS  
23 CHAPTER OR TO RESTRAIN A PUBLIC NUISANCE OR DETRIMENT TO HEALTH.

24 (C) CONCURRENT PENALTIES.--PENALTIES AND REMEDIES UNDER THIS  
25 CHAPTER SHALL BE DEEMED CONCURRENT. EXISTENCE OR EXERCISE OF ONE  
26 REMEDY SHALL NOT PREVENT THE DEPARTMENT FROM EXERCISING ANOTHER  
27 REMEDY AT LAW OR IN EQUITY.

28 (D) JURISDICTION.--ACTIONS UNDER THIS SECTION MAY BE FILED  
29 IN THE APPROPRIATE COURT OF COMMON PLEAS OR IN COMMONWEALTH  
30 COURT, AND THOSE COURTS ARE HEREBY GRANTED JURISDICTION TO HEAR



1 ACTIONS UNDER THIS SECTION.

2 § 3254.1. WELL CONTROL EMERGENCY RESPONSE COST RECOVERY.

3 A PERSON LIABLE FOR A WELL CONTROL EMERGENCY IS RESPONSIBLE  
4 FOR ALL RESPONSE COSTS INCURRED BY THE DEPARTMENT TO RESPOND TO  
5 THE WELL CONTROL EMERGENCY. IN AN ACTION BEFORE A COURT OF  
6 COMPETENT JURISDICTION, THE DEPARTMENT MAY RECOVER ALL ITS  
7 RESPONSE COSTS, INCLUDING THE COST OF REGAINING CONTROL OF THE  
8 WELL, CONTROLLING THE PERIMETER OF THE WELL SITE, PREPARING  
9 WATER SPRAYS, ESTABLISHING TRENCHES OR DIKES TO CAPTURE RUNOFF  
10 FLUIDS AND PROVIDING THE RESOURCES AND EQUIPMENT NEEDS FOR THE  
11 INCIDENT.

12 § 3255. PENALTIES.

13 (A) GENERAL VIOLATION.--A PERSON VIOLATING A PROVISION OF  
14 THIS CHAPTER COMMITS A SUMMARY OFFENSE AND, UPON CONVICTION,  
15 SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$300 OR TO  
16 IMPRISONMENT OF NOT MORE THAN 90 DAYS, OR BOTH. EACH DAY DURING  
17 WHICH THE VIOLATION CONTINUES IS A SEPARATE AND DISTINCT  
18 OFFENSE.

19 (B) WILLFUL VIOLATION.--A PERSON WILLFULLY VIOLATING A  
20 PROVISION OF THIS CHAPTER OR AN ORDER OF THE DEPARTMENT ISSUED  
21 UNDER THIS CHAPTER COMMITS A MISDEMEANOR AND, UPON CONVICTION,  
22 SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$5,000 OR TO  
23 IMPRISONMENT OF NOT MORE THAN ONE YEAR, OR BOTH. EACH DAY DURING  
24 WHICH THE VIOLATION CONTINUES IS A SEPARATE AND DISTINCT  
25 OFFENSE.

26 (C) AUTHORITY.--THE DEPARTMENT MAY INSTITUTE A PROSECUTION  
27 AGAINST ANY PERSON OR MUNICIPALITY FOR A VIOLATION OF THIS  
28 CHAPTER.

29 § 3256. CIVIL PENALTIES.

30 IN ADDITION TO OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY

1 FOR A VIOLATION OF THIS CHAPTER, A RULE OR REGULATION OF THE  
2 DEPARTMENT OR A DEPARTMENTAL ORDER, THE DEPARTMENT, AFTER A  
3 HEARING, MAY ASSESS A CIVIL PENALTY REGARDLESS OF WHETHER THE  
4 VIOLATION WAS WILLFUL. THE PENALTY SHALL NOT EXCEED \$50,000 PLUS  
5 \$2,000 FOR EACH DAY DURING WHICH THE VIOLATION CONTINUES. IN  
6 DETERMINING THE AMOUNT, THE DEPARTMENT SHALL CONSIDER  
7 WILLFULNESS OF THE VIOLATION, DAMAGE OR INJURY TO NATURAL  
8 RESOURCES OF THIS COMMONWEALTH OR THEIR USES, ENDANGERMENT OF  
9 SAFETY OF OTHERS, THE COST OF REMEDYING THE HARM, SAVINGS  
10 RESULTING TO THE VIOLATOR AS A RESULT OF THE VIOLATION AND ANY  
11 OTHER RELEVANT FACTOR. WHEN THE DEPARTMENT PROPOSES TO ASSESS A  
12 CIVIL PENALTY, IT SHALL NOTIFY THE PERSON OF THE PROPOSED AMOUNT  
13 OF THE PENALTY. THE PERSON CHARGED WITH THE PENALTY MUST, WITHIN  
14 30 DAYS OF NOTIFICATION, PAY THE PROPOSED PENALTY IN FULL OR  
15 FILE AN APPEAL OF THE ASSESSMENT WITH THE ENVIRONMENTAL HEARING  
16 BOARD. FAILURE TO COMPLY WITH THE TIME PERIOD UNDER THIS SECTION  
17 SHALL RESULT IN A WAIVER OF ALL LEGAL RIGHTS TO CONTEST THE  
18 VIOLATION OR THE AMOUNT OF THE PENALTY. THE CIVIL PENALTY SHALL  
19 BE PAYABLE TO THE COMMONWEALTH AND COLLECTIBLE IN ANY MANNER  
20 PROVIDED AT LAW FOR COLLECTION OF DEBTS. IF A VIOLATOR NEGLECTS  
21 OR REFUSES TO PAY THE PENALTY AFTER DEMAND, THE AMOUNT, TOGETHER  
22 WITH INTEREST AND COSTS THAT MAY ACCRUE, SHALL BECOME A LIEN IN  
23 FAVOR OF THE COMMONWEALTH ON THE REAL AND PERSONAL PROPERTY OF  
24 THE VIOLATOR, BUT ONLY AFTER THE LIEN HAS BEEN ENTERED AND  
25 DOCKETED OF RECORD BY THE PROTHONOTARY OF THE COUNTY WHERE THE  
26 PROPERTY IS SITUATED. THE DEPARTMENT MAY AT ANY TIME TRANSMIT TO  
27 THE PROTHONOTARIES OF THE VARIOUS COUNTIES CERTIFIED COPIES OF  
28 ALL LIENS. IT SHALL BE THE DUTY OF EACH PROTHONOTARY TO ENTER  
29 AND DOCKET THE LIENS OF RECORD IN THE PROTHONOTARY'S OFFICE AND  
30 INDEX THEM AS JUDGMENTS ARE INDEXED, WITHOUT REQUIRING PAYMENT

1 OF COSTS AS A CONDITION PRECEDENT TO ENTRY.

2 § 3257. EXISTING RIGHTS AND REMEDIES PRESERVED AND CUMULATIVE  
3 REMEDIES AUTHORIZED.

4 NOTHING IN THIS CHAPTER ESTOPS THE COMMONWEALTH OR A DISTRICT  
5 ATTORNEY FROM PROCEEDING IN A COURT OF LAW OR IN EQUITY TO ABATE  
6 POLLUTION FORBIDDEN UNDER THIS CHAPTER OR A NUISANCE UNDER  
7 EXISTING LAW. IT IS HEREBY DECLARED TO BE THE PURPOSE OF THIS  
8 CHAPTER TO PROVIDE ADDITIONAL AND CUMULATIVE REMEDIES TO CONTROL  
9 ACTIVITIES RELATED TO DRILLING FOR, OR PRODUCTION OF, OIL AND  
10 GAS IN THIS COMMONWEALTH, AND NOTHING CONTAINED IN THIS CHAPTER  
11 ABRIDGES OR ALTERS RIGHTS OF ACTION OR REMEDIES EXISTING, OR  
12 WHICH EXISTED PREVIOUSLY, IN EQUITY OR UNDER COMMON OR STATUTORY  
13 LAW, CRIMINAL OR CIVIL. NEITHER THIS CHAPTER, THE GRANT OF A  
14 PERMIT UNDER THIS CHAPTER NOR AN ACT DONE BY VIRTUE OF THIS  
15 CHAPTER ESTOPS THE COMMONWEALTH, IN EXERCISING RIGHTS UNDER  
16 COMMON OR DECISIONAL LAW OR IN EQUITY, FROM SUPPRESSING A  
17 NUISANCE, ABATING POLLUTION OR ENFORCING COMMON LAW OR STATUTORY  
18 RIGHTS. NO COURT OF THIS COMMONWEALTH WITH JURISDICTION TO ABATE  
19 PUBLIC OR PRIVATE NUISANCES SHALL BE DEPRIVED OF JURISDICTION IN  
20 AN ACTION TO ABATE A PRIVATE OR PUBLIC NUISANCE INSTITUTED BY  
21 ANY PERSON ON GROUNDS THAT THE NUISANCE CONSTITUTES AIR OR WATER  
22 POLLUTION.

23 § 3258. INSPECTION AND PRODUCTION OF MATERIALS, WITNESSES,  
24 DEPOSITIONS AND RIGHTS OF ENTRY.

25 (A) GENERAL RULE.--THE DEPARTMENT MAY MAKE INSPECTIONS,  
26 CONDUCT TESTS OR SAMPLING OR EXAMINE BOOKS, PAPERS AND RECORDS  
27 PERTINENT TO A MATTER UNDER INVESTIGATION UNDER THIS CHAPTER TO  
28 DETERMINE COMPLIANCE WITH THIS CHAPTER. FOR THIS PURPOSE, THE  
29 DULY AUTHORIZED AGENTS AND EMPLOYEES OF THE DEPARTMENT MAY AT  
30 ALL REASONABLE TIMES ENTER AND EXAMINE ANY INVOLVED PROPERTY,

1 FACILITY, OPERATION OR ACTIVITY.

2 (A.1) PREOPERATION INSPECTIONS.--THE OPERATOR MAY NOT  
3 COMMENCE DRILLING ACTIVITIES UNTIL THE DEPARTMENT HAS CONDUCTED  
4 AN INSPECTION OF THE UNCONVENTIONAL WELL SITE AFTER THE  
5 INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES. THE  
6 DEPARTMENT MAY CONDUCT FOLLOW-UP INSPECTIONS OF WELL SITES AND  
7 RELATED ACTIVITIES TO DETERMINE COMPLIANCE WITH THE ACT.

8 (B) ACCESS.--THE OWNER, OPERATOR OR OTHER PERSON IN CHARGE  
9 OF A PROPERTY, FACILITY, OPERATION OR ACTIVITY UNDER THIS  
10 CHAPTER, UPON PRESENTATION OF PROPER IDENTIFICATION AND PURPOSE  
11 EITHER FOR INSPECTION OR TO REMEDIATE OR OTHERWISE RESPOND TO A  
12 WELL CONTROL EMERGENCY, BY AGENTS OR EMPLOYEES OF THE  
13 DEPARTMENT, SHALL PROVIDE FREE AND UNRESTRICTED ENTRY AND  
14 ACCESS. UPON REFUSAL, THE AGENT OR EMPLOYEE MAY OBTAIN A SEARCH  
15 WARRANT OR OTHER SUITABLE ORDER AUTHORIZING ENTRY AND  
16 INSPECTION, REMEDIATION OR RESPONSE. IT SHALL BE SUFFICIENT TO  
17 JUSTIFY ISSUANCE OF A SEARCH WARRANT AUTHORIZING EXAMINATION AND  
18 INSPECTION IF:

19 (1) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE OBJECT  
20 OF THE INVESTIGATION IS SUBJECT TO REGULATION UNDER THIS  
21 CHAPTER; AND

22 (2) ACCESS, EXAMINATION OR INSPECTION IS NECESSARY TO  
23 ENFORCE THE PROVISIONS OF THIS CHAPTER.

24 (C) WITNESSES.--IN ANY PART OF THIS COMMONWEALTH, THE  
25 DEPARTMENT MAY SUBPOENA WITNESSES, ADMINISTER OATHS, EXAMINE  
26 WITNESSES, TAKE TESTIMONY AND COMPEL PRODUCTION OF BOOKS,  
27 RECORDS, MAPS, PLATS, PAPERS, DOCUMENTS AND OTHER WRITINGS  
28 PERTINENT TO PROCEEDINGS OR INVESTIGATIONS CONDUCTED BY THE  
29 DEPARTMENT UNDER THIS CHAPTER. UPON REFUSAL TO OBEY A SUBPOENA  
30 BY ANY PERSON AND ON APPLICATION OF THE DEPARTMENT, A COURT MAY

1 ENFORCE A SUBPOENA IN CONTEMPT PROCEEDINGS. FEES FOR SERVING A  
2 SUBPOENA SHALL BE THE SAME AS THOSE PAID TO SHERIFFS FOR SIMILAR  
3 SERVICES.

4 (D) DEPOSITION.--THE DEPARTMENT OR A PARTY TO A PROCEEDING  
5 BEFORE THE DEPARTMENT MAY CAUSE THE DEPOSITION OF A WITNESS WHO  
6 RESIDES IN OR OUTSIDE OF THIS COMMONWEALTH TO BE TAKEN IN THE  
7 MANNER PRESCRIBED BY LAW FOR TAKING DEPOSITIONS IN CIVIL  
8 ACTIONS.

9 (E) WITNESS FEE.--WITNESSES SUMMONED BEFORE THE DEPARTMENT  
10 SHALL BE PAID THE SAME FEES AS ARE PAID TO WITNESSES IN COURTS  
11 OF RECORD OF GENERAL JURISDICTION. WITNESSES WHOSE DEPOSITIONS  
12 ARE TAKEN UNDER THIS CHAPTER, AND THE OFFICERS TAKING THOSE  
13 DEPOSITIONS, SHALL BE ENTITLED TO THE SAME FEES AS THOSE PAID  
14 FOR LIKE SERVICES IN COURT.

15 (F) PURCHASERS.--UPON REQUEST, A PURCHASER OF OIL OR GAS  
16 SHALL PROVIDE THE DEPARTMENT INFORMATION NECESSARY TO DETERMINE  
17 OWNERSHIP OF FACILITIES FROM WHICH THE PURCHASER OBTAINED OIL OR  
18 GAS. THE INFORMATION SHALL BE KEPT CONFIDENTIAL FOR A PERIOD OF  
19 FIVE YEARS, AND THE DEPARTMENT MAY UTILIZE IT IN ENFORCEMENT  
20 PROCEEDINGS. THE DEPARTMENT MAY REQUEST INFORMATION UNDER THIS  
21 SECTION ONLY WHEN A WELL DOES NOT COMPLY WITH SECTION 3211(H)  
22 (RELATING TO WELL PERMITS).

23 § 3259. UNLAWFUL CONDUCT.

24 IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

25 (1) DRILL, ALTER, OPERATE OR UTILIZE AN OIL OR GAS WELL  
26 WITHOUT A PERMIT OR REGISTRATION FROM THE DEPARTMENT AS  
27 REQUIRED BY THIS CHAPTER OR IN VIOLATION OF RULES OR  
28 REGULATIONS ADOPTED UNDER THIS CHAPTER, ORDERS OF THE  
29 DEPARTMENT OR A TERM OR CONDITION OF A PERMIT ISSUED BY THE  
30 DEPARTMENT.

1           (2) CONDUCT AN ACTIVITY RELATED TO DRILLING FOR, OR  
2 PRODUCTION OF, OIL AND GAS:

3           (I) CONTRARY TO THIS CHAPTER, RULES OR REGULATIONS  
4 ADOPTED UNDER THIS CHAPTER, AN ORDER OF THE DEPARTMENT OR  
5 A TERM OR CONDITION OF A PERMIT ISSUED BY THE DEPARTMENT;  
6 OR

7           (II) IN ANY MANNER AS TO CREATE A PUBLIC NUISANCE OR  
8 ADVERSELY AFFECT PUBLIC HEALTH, SAFETY, WELFARE OR THE  
9 ENVIRONMENT.

10          (3) REFUSE, OBSTRUCT, DELAY OR THREATEN AN AGENT OR  
11 EMPLOYEE OF THE DEPARTMENT ACTING IN THE COURSE OF LAWFUL  
12 PERFORMANCE OF A DUTY UNDER THIS CHAPTER, INCLUDING, BUT NOT  
13 LIMITED TO, ENTRY AND INSPECTION.

14          (4) ATTEMPT TO OBTAIN A PERMIT OR IDENTIFY A WELL AS AN  
15 ORPHAN WELL BY MISREPRESENTATION OR FAILURE TO DISCLOSE ALL  
16 RELEVANT FACTS.

17          (5) CAUSE ABANDONMENT OF A WELL BY REMOVAL OF CASING OR  
18 EQUIPMENT NECESSARY FOR PRODUCTION WITHOUT PLUGGING THE WELL  
19 IN THE MANNER PRESCRIBED UNDER SECTION 3220 (RELATING TO  
20 PLUGGING REQUIREMENTS), EXCEPT THAT THE OWNER OR OPERATOR OF  
21 A WELL MAY TEMPORARILY REMOVE CASING OR EQUIPMENT NECESSARY  
22 FOR PRODUCTION, BUT ONLY IF IT IS PART OF THE NORMAL COURSE  
23 OF PRODUCTION ACTIVITIES.

24 § 3260. COLLECTION OF FINES AND PENALTIES.

25          FINES AND PENALTIES SHALL BE COLLECTIBLE IN A MANNER PROVIDED  
26 BY LAW FOR COLLECTION OF DEBTS. IF A PERSON LIABLE TO PAY A  
27 PENALTY NEGLECTS OR REFUSES TO PAY AFTER DEMAND, THE AMOUNT,  
28 TOGETHER WITH INTEREST AND COSTS THAT MAY ACCRUE, SHALL BE A  
29 JUDGMENT IN FAVOR OF THE COMMONWEALTH ON THE PERSON'S PROPERTY,  
30 BUT ONLY AFTER THE JUDGMENT HAS BEEN ENTERED AND DOCKETED OF

1 RECORD BY THE PROTHONOTARY OF THE COUNTY WHERE THE PROPERTY IS  
2 SITUATED. THE DEPARTMENT MAY TRANSMIT TO PROTHONOTARIES OF THE  
3 VARIOUS COUNTIES CERTIFIED COPIES OF ALL JUDGMENTS, AND IT SHALL  
4 BE THE DUTY OF EACH PROTHONOTARY TO ENTER AND DOCKET THEM OF  
5 RECORD IN THE PROTHONOTARY'S OFFICE AND INDEX THEM AS JUDGMENTS  
6 ARE INDEXED, WITHOUT REQUIRING PAYMENT OF COSTS AS A CONDITION  
7 PRECEDENT TO ENTRY.

8 § 3261. THIRD PARTY LIABILITY.

9 IF A PERSON OTHER THAN A WELL OPERATOR RENDERS A SERVICE OR  
10 PRODUCT TO A WELL OR WELL SITE, THAT PERSON IS JOINTLY AND  
11 SEVERALLY LIABLE WITH THE WELL OWNER OR OPERATOR FOR VIOLATIONS  
12 OF THIS CHAPTER ARISING OUT OF AND CAUSED BY THE PERSON'S  
13 ACTIONS AT THE WELL OR WELL SITE.

14 § 3262. INSPECTION REPORTS.

15 THE DEPARTMENT SHALL POST INSPECTION REPORTS ON ITS PUBLICLY  
16 ACCESSIBLE INTERNET WEBSITE. THE INSPECTION REPORTS SHALL  
17 INCLUDE:

18 (1) THE NATURE AND DESCRIPTION OF VIOLATIONS.

19 (2) THE OPERATOR'S WRITTEN RESPONSE TO THE VIOLATION, IF  
20 AVAILABLE.

21 (3) THE STATUS OF THE VIOLATION.

22 (4) THE REMEDIAL STEPS TAKEN BY THE OPERATOR OR THE  
23 DEPARTMENT TO ADDRESS THE VIOLATION.

24 SUBCHAPTER F

25 MISCELLANEOUS PROVISIONS

26 SEC.

27 3271. WELL PLUGGING FUNDS.

28 3272. LOCAL ORDINANCES.

29 3273. EFFECT ON DEPARTMENT AUTHORITY.

30 3273.1. RELATIONSHIP TO SOLID WASTE AND SURFACE MINING.

1 3274. REGULATORY AUTHORITY.

2 § 3271. WELL PLUGGING FUNDS.

3 (A) APPROPRIATION.--FINES, CIVIL PENALTIES AND PERMIT AND  
4 REGISTRATION FEES COLLECTED UNDER THIS CHAPTER ARE APPROPRIATED  
5 TO THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS CHAPTER.

6 (B) SURCHARGE.--TO AID IN INDEMNIFYING THE COMMONWEALTH FOR  
7 THE COST OF PLUGGING ABANDONED WELLS, A \$50 SURCHARGE IS ADDED  
8 TO THE PERMIT FEE ESTABLISHED BY THE DEPARTMENT UNDER SECTION  
9 3211 (RELATING TO WELL PERMITS) FOR NEW WELLS. MONEY COLLECTED  
10 AS A RESULT OF THE SURCHARGE SHALL BE PAID INTO A RESTRICTED  
11 REVENUE ACCOUNT IN THE STATE TREASURY TO BE KNOWN AS THE  
12 ABANDONED WELL PLUGGING FUND AND EXPENDED BY THE DEPARTMENT TO  
13 PLUG ABANDONED WELLS THREATENING THE HEALTH AND SAFETY OF  
14 PERSONS OR PROPERTY OR POLLUTION OF WATERS OF THIS COMMONWEALTH.

15 (C) ORPHAN WELL PLUGGING FUND.--THE FOLLOWING SHALL APPLY:

16 (1) A RESTRICTED REVENUE ACCOUNT TO BE KNOWN AS THE  
17 ORPHAN WELL PLUGGING FUND IS CREATED. A \$100 SURCHARGE FOR  
18 WELLS TO BE DRILLED FOR OIL PRODUCTION AND A \$200 SURCHARGE  
19 FOR WELLS TO BE DRILLED FOR GAS PRODUCTION ARE ADDED TO THE  
20 PERMIT FEE ESTABLISHED BY THE DEPARTMENT UNDER SECTION 3211  
21 FOR NEW WELLS. THE SURCHARGES SHALL BE PLACED IN THE ORPHAN  
22 WELL PLUGGING FUND AND EXPENDED BY THE DEPARTMENT TO PLUG  
23 ORPHAN WELLS. IF AN OPERATOR REHABILITATES A WELL ABANDONED  
24 BY ANOTHER OPERATOR OR AN ORPHAN WELL, THE PERMIT FEE AND THE  
25 SURCHARGE FOR THE WELL SHALL BE WAIVED.

26 (2) THE DEPARTMENT SHALL STUDY ITS EXPERIENCE IN  
27 IMPLEMENTING THIS SECTION AND SHALL REPORT ITS FINDINGS TO  
28 THE GOVERNOR AND THE GENERAL ASSEMBLY BY AUGUST 1, 1992. THE  
29 REPORT SHALL CONTAIN INFORMATION RELATING TO THE BALANCE OF  
30 THE FUND, NUMBER OF WELLS PLUGGED, NUMBER OF IDENTIFIED WELLS



1 ELIGIBLE FOR PLUGGING AND RECOMMENDATIONS AS TO ALTERNATIVE  
2 FUNDING MECHANISMS.

3 (3) EXPENDITURES BY THE DEPARTMENT FOR PLUGGING ORPHAN  
4 WELLS ARE LIMITED TO FEES COLLECTED UNDER THIS CHAPTER. NO  
5 MONEY FROM THE GENERAL FUND SHALL BE EXPENDED FOR THIS  
6 PURPOSE.

7 § 3272. LOCAL ORDINANCES.

8 EXCEPT WITH RESPECT TO ORDINANCES ADOPTED UNDER THE ACT OF  
9 JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA  
10 MUNICIPALITIES PLANNING CODE, AND THE ACT OF OCTOBER 4, 1978  
11 (P.L.851, NO.166), KNOWN AS THE FLOOD PLAIN MANAGEMENT ACT, ALL  
12 LOCAL ORDINANCES AND ENACTMENTS PURPORTING TO REGULATE OIL AND  
13 GAS WELL OPERATIONS REGULATED BY THIS CHAPTER ARE SUPERSEDED BY  
14 THIS CHAPTER. NO ORDINANCES OR ENACTMENTS ADOPTED UNDER THE  
15 PENNSYLVANIA MUNICIPALITIES PLANNING CODE OR THE FLOOD PLAIN  
16 MANAGEMENT ACT MAY CONTAIN PROVISIONS WHICH IMPOSE CONDITIONS,  
17 REQUIREMENTS OR LIMITATIONS ON THE SAME FEATURES OF OIL AND GAS  
18 WELL OPERATIONS REGULATED BY THIS CHAPTER OR THAT ACCOMPLISH THE  
19 SAME PURPOSES AS SET FORTH IN THIS CHAPTER. THE COMMONWEALTH, BY  
20 THIS CHAPTER, PREEMPTS AND SUPERSEDES THE REGULATION OF OIL  
21 WELLS AND GAS WELLS.

22 § 3273. EFFECT ON DEPARTMENT AUTHORITY.

23 THIS CHAPTER DOES NOT AFFECT, LIMIT OR IMPAIR ANY RIGHT OR  
24 AUTHORITY OF THE DEPARTMENT UNDER THE ACT OF JUNE 22, 1937  
25 (P.L.1987, NO.394), KNOWN AS THE CLEAN STREAMS LAW; THE ACT OF  
26 JANUARY 8, 1960 (1959 P.L.2119, NO.787), KNOWN AS THE AIR  
27 POLLUTION CONTROL ACT; THE ACT OF NOVEMBER 26, 1978 (P.L.1375,  
28 NO.325), KNOWN AS THE DAM SAFETY AND ENCROACHMENTS ACT; OR THE  
29 ACT OF JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE SOLID WASTE  
30 MANAGEMENT ACT.

1 § 3273.1. RELATIONSHIP TO SOLID WASTE AND SURFACE MINING.

2 (A) GENERAL RULE.--THE OBLIGATION TO OBTAIN A PERMIT AND  
3 POST A BOND UNDER ARTICLES III AND V OF THE ACT OF JULY 7, 1980  
4 (P.L.380, NO.97), KNOWN AS THE SOLID WASTE MANAGEMENT ACT, AND  
5 TO PROVIDE PUBLIC NOTICE UNDER SECTION 1905-A(B)(1)(V) OF THE  
6 ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE  
7 ADMINISTRATIVE CODE OF 1929, FOR ANY PIT, IMPOUNDMENT, METHOD OR  
8 FACILITY EMPLOYED FOR THE DISPOSAL, PROCESSING OR STORAGE OF  
9 RESIDUAL WASTES GENERATED BY THE DRILLING OF AN OIL OR GAS WELL  
10 OR FROM THE PRODUCTION OF WELLS WHICH IS LOCATED ON THE WELL  
11 SITE, SHALL BE CONSIDERED TO HAVE BEEN SATISFIED IF THE OWNER OR  
12 OPERATOR OF THE WELL MEETS THE FOLLOWING CONDITIONS:

13 (1) THE WELL IS PERMITTED UNDER THE REQUIREMENTS OF  
14 SECTION 3211 (RELATING TO WELL PERMITS) OR REGISTERED UNDER  
15 SECTION 3213 (RELATING TO WELL REGISTRATION AND  
16 IDENTIFICATION);

17 (2) THE OWNER OR OPERATOR HAS SATISFIED THE FINANCIAL  
18 SECURITY REQUIREMENTS OF SECTION 3215 (RELATING TO WELL  
19 LOCATION RESTRICTIONS) BY OBTAINING A SURETY OR COLLATERAL  
20 BOND FOR THE WELL AND WELL SITE; AND

21 (3) THE OWNER OR OPERATOR MAINTAINS COMPLIANCE WITH THIS  
22 CHAPTER AND APPLICABLE REGULATIONS OF THE ENVIRONMENTAL  
23 QUALITY BOARD.

24 (B) NONCOAL SURFACE MINING.--OBLIGATIONS UNDER THE ACT OF  
25 DECEMBER 19, 1984 (P.L.1093, NO.219), KNOWN AS THE NONCOAL  
26 SURFACE MINING CONSERVATION AND RECLAMATION ACT, OR A RULE OR  
27 REGULATION PROMULGATED THEREUNDER, FOR ANY BORROW AREA WHERE  
28 MINERALS ARE EXTRACTED SOLELY FOR THE PURPOSE OF OIL AND GAS  
29 WELL DEVELOPMENT, INCLUDING ACCESS ROAD CONSTRUCTION, SHALL BE  
30 CONSIDERED TO HAVE BEEN SATISFIED IF THE OWNER OR OPERATOR OF

1 THE WELL MEETS THE CONDITIONS IMPOSED UNDER SUBSECTION (A) (1)  
2 AND (2) AND MAINTAINS COMPLIANCE WITH THIS CHAPTER AND  
3 APPLICABLE REGULATIONS OF THE ENVIRONMENTAL QUALITY BOARD.

4 (C) SOLID WASTE MANAGEMENT ACT.--THIS SECTION DOES NOT  
5 DIMINISH OR OTHERWISE AFFECT DUTIES OR OBLIGATIONS OF AN OWNER  
6 OR OPERATOR UNDER THE SOLID WASTE MANAGEMENT ACT. THIS SECTION  
7 DOES NOT APPLY TO WASTE CLASSIFIED AS HAZARDOUS WASTE UNDER THE  
8 SOLID WASTE MANAGEMENT ACT OR THE RESOURCE CONSERVATION AND  
9 RECOVERY ACT OF 1976 (PUBLIC LAW 94-580, 90 STAT. 2795, 42  
10 U.S.C. § 6901 ET SEQ.).

11 (D) DEFINITION.--AS USED IN THIS SECTION AND SECTIONS 3216  
12 (RELATING TO WELL SITE RESTORATION) AND 3225 (RELATING TO  
13 BONDING), THE TERM "WELL SITE" MEANS AREAS OCCUPIED BY ALL  
14 EQUIPMENT OR FACILITIES NECESSARY FOR OR INCIDENTAL TO DRILLING,  
15 PRODUCTION OR PLUGGING A WELL.  
16 § 3274. REGULATORY AUTHORITY.

17 (A) EXISTING REGULATIONS.--THE RULEMAKING FOR 25 PA. CODE  
18 CH. 78 (RELATING TO OIL AND GAS WELLS) PROMULGATED AT 41 PA.B.  
19 805 (FEBRUARY 5, 2011), SHALL APPLY ONLY TO UNCONVENTIONAL GAS  
20 WELLS.

21 (B) NEW REGULATIONS.--THE ENVIRONMENTAL QUALITY BOARD SHALL  
22 ADOPT REGULATIONS TO IMPLEMENT THIS CHAPTER.

### 23 CHAPTER 33

#### 24 LOCAL ORDINANCES RELATING TO

#### 25 OIL AND GAS OPERATIONS

#### 26 SEC.

27 3301. SCOPE OF CHAPTER.

28 3302. DEFINITIONS.

29 3303. LOCAL ORDINANCES.

30 3304. REVIEW BY ATTORNEY GENERAL.

1 3305. CIVIL ACTIONS.  
2 3306. COMMONWEALTH COURT MASTERS.  
3 3307. ATTORNEY FEES AND COSTS.  
4 3308. SANCTION.  
5 3309. PROVISIONS OF LOCAL ORDINANCES.  
6 3310. APPLICABILITY.  
7 § 3301. SCOPE OF CHAPTER.

8 THE PURPOSES OF THIS CHAPTER ARE TO:

9 (1) ALLOW MUNICIPALITIES TO EFFICIENTLY REGULATE OIL AND  
10 GAS OPERATIONS CONSISTENT WITH THEIR AUTHORITY UNDER THE ACT  
11 OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA  
12 MUNICIPALITIES PLANNING CODE.

13 (2) FOSTER THE EXPEDITIOUS AND EFFICIENT HANDLING OF  
14 MUNICIPAL OIL AND GAS PROCEDURES.

15 (3) CLARIFY THE ROLE OF ALL FEDERAL AND STATE AGENCIES  
16 AND MUNICIPAL GOVERNMENTS WITH REGARD TO OIL AND GAS  
17 DEVELOPMENT ACTIVITIES.

18 § 3302. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
20 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "BUILDING." AN OCCUPIED STRUCTURE WITH WALLS AND ROOF WITHIN  
23 WHICH INDIVIDUALS LIVE OR CUSTOMARILY WORK.

24 "ENVIRONMENT ACTS." ALL STATUTES ENACTED BY THE COMMONWEALTH  
25 RELATING TO THE PROTECTION OF THE ENVIRONMENT OR THE PROTECTION  
26 OF PUBLIC HEALTH, SAFETY AND WELFARE, THAT ARE ADMINISTERED AND  
27 ENFORCED BY THE DEPARTMENT OR BY ANOTHER COMMONWEALTH AGENCY,  
28 INCLUDING AN INDEPENDENT AGENCY, AND ALL FEDERAL STATUTES  
29 RELATING TO THE PROTECTION OF THE ENVIRONMENT, TO THE EXTENT  
30 THOSE STATUTES REGULATE OIL AND GAS OPERATIONS.

1 "LOCAL GOVERNMENT." A COUNTY, CITY, BOROUGH, INCORPORATED  
2 TOWN OR TOWNSHIP OF THIS COMMONWEALTH.

3 "LOCAL ORDINANCE." AN ORDINANCE ADOPTED BY A LOCAL  
4 GOVERNMENT THAT REGULATES OIL AND GAS OPERATIONS.

5 "MPC." THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS  
6 THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

7 "OIL AND GAS OPERATIONS." THE TERM INCLUDES THE FOLLOWING:

8 (1) WELL LOCATION ASSESSMENT, INCLUDING SEISMIC  
9 OPERATIONS, WELL SITE PREPARATION, CONSTRUCTION, DRILLING,  
10 HYDRAULIC FRACTURING AND SITE RESTORATION ASSOCIATED WITH AN  
11 OIL OR GAS WELL OF ANY DEPTH;

12 (2) WATER AND OTHER FLUID STORAGE OR IMPOUNDMENT AREAS  
13 USED EXCLUSIVELY FOR OIL AND GAS OPERATIONS;

14 (3) CONSTRUCTION, INSTALLATION, USE, MAINTENANCE AND  
15 REPAIR OF:

16 (I) OIL AND GAS PIPELINES;

17 (II) NATURAL GAS COMPRESSOR STATIONS; AND

18 (III) NATURAL GAS PROCESSING PLANTS OR FACILITIES  
19 PERFORMING EQUIVALENT FUNCTIONS; AND

20 (4) CONSTRUCTION, INSTALLATION, USE, MAINTENANCE AND  
21 REPAIR OF ALL EQUIPMENT DIRECTLY ASSOCIATED WITH ACTIVITIES  
22 SPECIFIED IN PARAGRAPHS (1), (2) AND (3), TO THE EXTENT THAT:

23 (I) THE EQUIPMENT IS NECESSARILY LOCATED AT OR  
24 IMMEDIATELY ADJACENT TO A WELL SITE, IMPOUNDMENT AREA,  
25 OIL AND GAS PIPELINE, NATURAL GAS COMPRESSOR STATION OR  
26 NATURAL GAS PROCESSING PLANT; AND

27 (II) THE ACTIVITIES ARE AUTHORIZED AND PERMITTED  
28 UNDER THE AUTHORITY OF A FEDERAL OR COMMONWEALTH AGENCY.

29 "PERMITTED USE." A USE WHICH, UPON SUBMISSION OF NOTICE TO  
30 AND RECEIPT OF A PERMIT ISSUED BY A ZONING OFFICER OR EQUIVALENT

1 OFFICIAL, IS AUTHORIZED TO BE CONDUCTED WITHOUT RESTRICTIONS  
2 OTHER THAN THOSE SET FORTH IN SECTION 3309 (RELATING TO  
3 PROVISIONS OF LOCAL ORDINANCES).

4 § 3303. LOCAL ORDINANCES.

5 (A) GENERAL RULE.--A LOCAL ORDINANCE MAY ONLY BE ENACTED  
6 PURSUANT TO THE MPC, THE ACT OF MARCH 31, 1927 (P.L.98, NO.69),  
7 REFERRED TO AS THE SECOND CLASS CITY ZONING LAW, OR THE ACT OF  
8 OCTOBER 4, 1978 (P.L.851, NO.166), KNOWN AS THE FLOOD PLAIN  
9 MANAGEMENT ACT, AS APPLICABLE, AND SHALL PROVIDE FOR THE  
10 REASONABLE DEVELOPMENT OF MINERALS WITHIN THE LOCAL GOVERNMENT  
11 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 603(I) OF THE MPC  
12 AND THIS CHAPTER.

13 (B) LIMITATION.--EXCEPT AS PROVIDED IN THIS CHAPTER, A LOCAL  
14 ORDINANCE SHALL NOT CONFLICT WITH AND SHALL NOT REGULATE OIL AND  
15 GAS OPERATIONS COVERED BY THE ENVIRONMENT ACTS, EXCEPT TO THE  
16 EXTENT THAT THE ENVIRONMENT ACTS PROVIDE THE AUTHORITY.

17 (C) CONSTRUCTION.--NOTHING IN THIS CHAPTER SHALL BE  
18 CONSTRUED TO IMPAIR OR INFRINGE ON THE PREEMPTION PROVISIONS OF  
19 SECTION 3272 (RELATING TO LOCAL ORDINANCES).

20 § 3304. REVIEW BY ATTORNEY GENERAL.

21 (A) REQUEST OF OWNER OR OPERATOR.--AN OWNER OR OPERATOR OF  
22 AN OIL AND GAS OPERATION, OR ANY PERSON HAVING THE RIGHT TO  
23 ROYALTY PAYMENTS UNDER A LEASE OF OIL OR GAS MINERAL RIGHTS, MAY  
24 REQUEST THE ATTORNEY GENERAL TO REVIEW A LOCAL ORDINANCE TO  
25 DETERMINE WHETHER IT ALLOWS FOR THE REASONABLE DEVELOPMENT OF  
26 OIL AND GAS RESOURCES IN ACCORDANCE WITH THE PROVISIONS  
27 SPECIFICALLY ADDRESSED IN THIS CHAPTER, THE MPC AND JUDICIAL  
28 DECISIONS OF THE COMMONWEALTH.

29 (B) PREENACTMENT REVIEW.--A LOCAL GOVERNMENT MAY, PRIOR TO  
30 THE ENACTMENT OF A LOCAL ORDINANCE, REQUEST THE ATTORNEY GENERAL

1 TO REVIEW THE ORDINANCE TO DETERMINE WHETHER IT ALLOWS FOR THE  
2 REASONABLE DEVELOPMENT OF OIL AND GAS RESOURCES IN ACCORDANCE  
3 WITH THE PROVISIONS OF CHAPTER 32 (RELATING TO DEVELOPMENT), THE  
4 MPC AND JUDICIAL DECISIONS OF THE COMMONWEALTH.

5 (C) TIME PERIOD FOR REVIEW.--WITHIN 120 DAYS OF RECEIVING A  
6 REQUEST UNDER SUBSECTION (A) OR (B), THE ATTORNEY GENERAL SHALL  
7 ADVISE IN WRITING THE PERSON THAT MADE THE REQUEST WHETHER OR  
8 NOT THE ATTORNEY GENERAL DETERMINES THAT THE LOCAL ORDINANCE  
9 PROVIDES FOR THE REASONABLE DEVELOPMENT OF OIL AND GAS RESERVES  
10 AND PROVIDE A COPY OF THE WRITTEN DETERMINATION TO THE AFFECTED  
11 LOCAL GOVERNMENT.

12 § 3305. CIVIL ACTIONS.

13 (A) ATTORNEY GENERAL.--THE ATTORNEY GENERAL MAY BRING AN  
14 ACTION AGAINST A LOCAL GOVERNMENT IN COMMONWEALTH COURT TO  
15 INVALIDATE OR ENJOIN THE ENFORCEMENT OF A LOCAL ORDINANCE THAT  
16 DOES NOT ALLOW FOR THE REASONABLE DEVELOPMENT OF OIL AND GAS  
17 RESOURCES.

18 (B) PRIVATE RIGHT OF ACTION.--

19 (1) NOTWITHSTANDING ANY PROVISION OF 42 PA.C.S. CH. 85  
20 SUBCH. C (RELATING TO ACTIONS AGAINST LOCAL PARTIES), ANY  
21 PERSON WHO IS AGGRIEVED BY THE ENACTMENT OR ENFORCEMENT OF A  
22 LOCAL ORDINANCE THAT DOES NOT ALLOW FOR THE REASONABLE  
23 DEVELOPMENT OF OIL AND GAS RESOURCES IN ACCORDANCE WITH THE  
24 PROVISIONS OF SECTION 3272 (RELATING TO LOCAL ORDINANCES) MAY  
25 BRING AN ACTION IN COMMONWEALTH COURT TO INVALIDATE THE  
26 ORDINANCE OR ENJOIN ITS ENFORCEMENT.

27 (2) AN AGGRIEVED PERSON MAY PROCEED WITHOUT FIRST  
28 OBTAINING REVIEW OF THE ORDINANCE BY THE ATTORNEY GENERAL OR  
29 MAY PROCEED AFTER RECEIVING SUCH REVIEW IF THE ATTORNEY  
30 GENERAL DETERMINES THAT THE ORDINANCE FAILS TO COMPLY WITH

1 THIS CHAPTER BUT DECLINES TO BRING AN ACTION UNDER SUBSECTION  
2 (A).

3 (3) IN AN ACTION BROUGHT RELATING TO THE ENACTMENT OR  
4 ENFORCEMENT OF A LOCAL ORDINANCE, THE DETERMINATION OF THE  
5 ATTORNEY GENERAL MADE UNDER SECTION 3304 (RELATING TO REVIEW  
6 BY ATTORNEY GENERAL) SHALL BECOME PART OF THE RECORD BEFORE  
7 THE COURT.

8 § 3306. COMMONWEALTH COURT MASTERS.

9 (A) GENERAL RULE.--THE COMMONWEALTH COURT MAY PROMULGATE  
10 RULES FOR THE SELECTION AND APPOINTMENT OF MASTERS ON A FULL-  
11 TIME OR PART-TIME BASIS TO OVERSEE ACTIONS BROUGHT UNDER SECTION  
12 3305 (RELATING TO CIVIL ACTIONS). A MASTER MUST BE A MEMBER OF  
13 THE BAR OF THIS COMMONWEALTH. THE NUMBER AND COMPENSATION OF  
14 MASTERS SHALL BE FIXED BY THE COMMONWEALTH COURT, AND THEIR  
15 COMPENSATION SHALL BE PAID BY THE COMMONWEALTH.

16 (B) PROCEDURE.--

17 (1) THE COMMONWEALTH COURT MAY DIRECT THAT A HEARING IN  
18 AN ACTION BROUGHT UNDER SECTION 3305 BE CONDUCTED IN THE  
19 FIRST INSTANCE BY THE MASTER IN THE MANNER PROVIDED FOR IN  
20 THIS SECTION.

21 (2) UPON THE CONCLUSION OF A HEARING BEFORE A MASTER,  
22 THE MASTER SHALL TRANSMIT WRITTEN FINDINGS AND  
23 RECOMMENDATIONS FOR DISPOSITION TO THE PRESIDENT JUDGE.  
24 PROMPT WRITTEN NOTICE AND COPIES OF THE FINDINGS AND  
25 RECOMMENDATIONS SHALL BE GIVEN TO THE PARTIES TO THE  
26 PROCEEDING.

27 (3) THE FINDINGS AND RECOMMENDATIONS OF THE MASTER SHALL  
28 BECOME THE FINDINGS AND ORDER OF THE COMMONWEALTH COURT UPON  
29 WRITTEN CONFIRMATION BY THE PRESIDENT JUDGE. A REHEARING MAY  
30 BE ORDERED BY THE PRESIDENT JUDGE AT ANY TIME UPON CAUSE



1 SHOWN.

2 § 3307. ATTORNEY FEES AND COSTS.

3 IN AN ACTION BROUGHT UNDER SECTION 3305 (RELATING TO CIVIL  
4 ACTIONS), THE COURT MAY DO ANY OF THE FOLLOWING:

5 (1) IF THE COURT DETERMINES THAT THE LOCAL GOVERNMENT  
6 ENACTED OR ENFORCED A LOCAL ORDINANCE WITH WILLFUL OR  
7 RECKLESS DISREGARD FOR THE LIMITATION OF AUTHORITY  
8 ESTABLISHED UNDER STATE LAW, IT MAY ORDER THE LOCAL  
9 GOVERNMENT TO PAY THE PLAINTIFF REASONABLE ATTORNEY FEES AND  
10 OTHER REASONABLE COSTS INCURRED BY THE PLAINTIFF IN  
11 CONNECTION WITH THE ACTION.

12 (2) IF THE COURT DETERMINES THAT THE ACTION BROUGHT BY  
13 THE PLAINTIFF WAS FRIVOLOUS OR WAS BROUGHT WITHOUT  
14 SUBSTANTIAL JUSTIFICATION IN CLAIMING THAT THE LOCAL  
15 ORDINANCE IN QUESTION WAS CONTRARY TO THE REQUIREMENTS OF  
16 THIS CHAPTER OR CHAPTER 32 (RELATING TO DEVELOPMENT), IT MAY  
17 ORDER THE PLAINTIFF TO PAY THE LOCAL GOVERNMENT REASONABLE  
18 ATTORNEY FEES AND OTHER REASONABLE COSTS INCURRED BY THE  
19 LOCAL GOVERNMENT IN DEFENDING THE ACTION.

20 § 3308. SANCTION.

21 IF THE ATTORNEY GENERAL, THE COMMONWEALTH COURT OR THE  
22 SUPREME COURT DETERMINES THAT A LOCAL ORDINANCE FAILS TO PROVIDE  
23 FOR THE REASONABLE DEVELOPMENT OF OIL AND GAS RESOURCES, THE  
24 LOCAL GOVERNMENT ENACTING OR ENFORCING THE LOCAL ORDINANCE SHALL  
25 BE IMMEDIATELY INELIGIBLE TO RECEIVE ANY FUNDS COLLECTED UNDER  
26 CHAPTER 23 (RELATING TO DRILLING IMPACT FEE). THE LOCAL  
27 GOVERNMENT SHALL REMAIN INELIGIBLE TO RECEIVE FUNDS UNDER  
28 CHAPTER 23 UNTIL THE LOCAL GOVERNMENT AMENDS OR REPEALS ITS  
29 LOCAL ORDINANCE IN ACCORDANCE WITH THIS CHAPTER.

30 § 3309. PROVISIONS OF LOCAL ORDINANCES.

1 IN ORDER TO ALLOW FOR THE REASONABLE DEVELOPMENT OF OIL AND  
2 GAS RESOURCES, A LOCAL ORDINANCE MUST, IN ADDITION TO COMPLYING  
3 WITH THIS CHAPTER, CHAPTER 32 (RELATING TO DEVELOPMENT), THE MPC  
4 AND JUDICIAL DECISIONS OF THE COMMONWEALTH:

5 (1) ALLOW WELL AND PIPELINE LOCATION ASSESSMENT  
6 OPERATIONS, INCLUDING SEISMIC OPERATIONS AND RELATED  
7 ACTIVITIES CONDUCTED IN ACCORDANCE WITH ALL APPLICABLE  
8 FEDERAL AND STATE LAWS AND REGULATIONS RELATING TO THE  
9 STORAGE AND USE OF EXPLOSIVES THROUGHOUT EVERY LOCAL  
10 GOVERNMENT.

11 (2) IMPOSE CONDITIONS, REQUIREMENTS OR LIMITATIONS ON  
12 OIL AND GAS OPERATIONS THAT ARE NO MORE STRINGENT THAN  
13 SIMILAR CONDITIONS, REQUIREMENTS OR LIMITATIONS IMPOSED ON  
14 CONSTRUCTION ACTIVITIES FOR OTHER LAND DEVELOPMENT WITHIN THE  
15 ZONING DISTRICT WHERE THE OIL AND GAS OPERATIONS ARE  
16 SITUATED.

17 (3) IMPOSE CONDITIONS, REQUIREMENTS OR LIMITATIONS ON  
18 THE HEIGHT OF PERMANENT STRUCTURES, SETBACKS FROM PROPERTY  
19 LINES, SCREENING AND FENCING, LIGHTING AND NOISE RELATING TO  
20 OIL AND GAS OPERATIONS THAT ARE NO MORE STRINGENT THAN  
21 SIMILAR CONDITIONS, REQUIREMENTS OR LIMITATIONS IMPOSED ON  
22 INDUSTRIAL USES OR WHAT IS ALLOWED WITHIN THE PARTICULAR  
23 ZONING DISTRICT WITHIN THE LOCAL GOVERNMENT WHERE THE OIL AND  
24 GAS OPERATIONS ARE SITUATED OR STIPULATED IN OR SET FORTH IN  
25 STATE STATUTE OR REGULATIONS PERTAINING TO OIL AND GAS  
26 OPERATIONS.

27 (4) HAVE A REVIEW PERIOD FOR PERMITTED USES THAT DOES  
28 NOT EXCEED 30 DAYS FOR COMPLETE SUBMISSIONS OR THAT EXCEEDS  
29 120 DAYS FOR CONDITIONAL USES.

30 (5) AUTHORIZE OIL AND GAS OPERATIONS, OTHER THAN

1 ACTIVITIES IN OR AT IMPOUNDMENT AREAS, COMPRESSOR STATIONS  
2 AND PROCESSING PLANTS, AS A PERMITTED USE IN ALL ZONING  
3 DISTRICTS.

4 (5.1) NOTWITHSTANDING SECTION 3215 (RELATING TO WELL  
5 LOCATION RESTRICTIONS) THE OIL AND GAS OPERATIONS UNDER  
6 PARAGRAPH (5) MAY BE PROHIBITED, OR PERMITTED ONLY AS A  
7 CONDITIONAL USE WITHIN A RESIDENTIAL DISTRICT WHERE A WELL  
8 SITE CANNOT BE PLACED SO THAT THE WELLHEAD IS AT LEAST 500  
9 FEET FROM ANY EXISTING BUILDING. IN A RESIDENTIAL DISTRICT,  
10 ALL OF THE FOLLOWING APPLY:

11 (I) A WELL SITE MAY NOT BE LOCATED SO THAT THE OUTER  
12 EDGE OF THE WELL PAD IS CLOSER THAN 300 FEET FROM AN  
13 EXISTING BUILDING.

14 (II) EXCEPT AS SET FORTH IN PARAGRAPH (5) AND IN  
15 THIS PARAGRAPH, OIL AND GAS OPERATIONS, OTHER THAN THE  
16 PLACEMENT, USE AND REPAIR OF OIL AND GAS PIPELINES, WATER  
17 PIPELINES, ACCESS ROADS OR SECURITY FACILITIES, MAY NOT  
18 TAKE PLACE WITHIN 300 FEET OF AN EXISTING BUILDING.

19 (6) AUTHORIZE IMPOUNDMENT AREAS USED FOR OIL AND GAS  
20 OPERATIONS AS A PERMITTED USE IN ALL ZONING DISTRICTS,  
21 PROVIDED THAT THE EDGE OF ANY IMPOUNDMENT AREA SHALL NOT BE  
22 LOCATED CLOSER THAN 300 FEET FROM AN EXISTING BUILDING.

23 (7) AUTHORIZE NATURAL GAS COMPRESSOR STATIONS AS A  
24 PERMITTED USE IN AGRICULTURE AND INDUSTRIAL ZONING DISTRICTS  
25 AND AS A CONDITIONAL USE IN ALL OTHER ZONING DISTRICTS, IF  
26 THE NATURAL GAS COMPRESSOR BUILDING MEETS THE FOLLOWING  
27 CONDITIONS:

28 (I) IS LOCATED 750 FEET OR MORE FROM THE NEAREST  
29 EXISTING BUILDING OR 200 FEET FROM THE NEAREST LOT LINE,  
30 WHICHEVER IS GREATER, UNLESS WAIVED BY THE OWNER OF THE

1 BUILDING OR ADJOINING LOT; AND

2 (II) DOES NOT EXCEED A NOISE STANDARD OF 60DBA AT  
3 THE NEAREST PROPERTY LINE OR THE APPLICABLE STANDARD  
4 IMPOSED BY FEDERAL LAW, WHICHEVER IS LESSER.

5 (8) AUTHORIZE NATURAL GAS PROCESSING PLANTS AS A  
6 PERMITTED USE IN AN INDUSTRIAL ZONING DISTRICT AND AS  
7 CONDITIONAL USES IN AGRICULTURAL ZONING DISTRICTS, IF THE  
8 NATURAL GAS PROCESSING PLANT BUILDINGS MEET THE FOLLOWING  
9 CONDITIONS:

10 (I) UNLESS THERE IS A WAIVER BY THE OWNER OF THE  
11 BUILDING OR ADJOINING LOT, THE NATURAL GAS PROCESSING  
12 PLANT BUILDING IS LOCATED AT THE GREATER OF:

13 (A) AT LEAST 750 FEET FROM THE NEAREST EXISTING  
14 BUILDING; OR

15 (B) AT LEAST 200 FEET FROM THE NEAREST LOT LINE.

16 (II) THE NOISE LEVEL OF THE NATURAL GAS PROCESSING  
17 PLANT AT THE PROPERTY LINE DOES NOT EXCEED THE LESSER OF:

18 (A) A NOISE STANDARD OF 60DBA; OR

19 (B) THE APPLICABLE STANDARD IMPOSED BY FEDERAL  
20 LAW.

21 (9) IMPOSE RESTRICTIONS ON VEHICULAR ACCESS ROUTES FOR  
22 OVERWEIGHT VEHICLES ONLY AS AUTHORIZED UNDER 75 PA.C.S.  
23 (RELATING TO VEHICLES) OR THE MPC.

24 (10) DOES NOT ATTEMPT TO IMPOSE LIMITS OR CONDITIONS ON  
25 SUBTERRANEAN OPERATIONS OR HOURS OF OPERATION.

26 § 3310. APPLICABILITY.

27 THIS CHAPTER SHALL APPLY TO THE ENFORCEMENT OF LOCAL  
28 ORDINANCES EXISTING ON THE DATE OF THIS SECTION AND TO THE  
29 ENACTMENT OR ENFORCEMENT OF LOCAL ORDINANCES ENACTED ON OR AFTER  
30 THE EFFECTIVE DATE OF THIS CHAPTER.

1 SECTION 3. THE ADDITION OF 27 PA.C.S. CH. 33 SUBCH. B IS A  
2 CONTINUATION OF THE FORMER ACT OF DECEMBER 15, 1955 (P.L.865,  
3 NO.256), ENTITLED "AN ACT REQUIRING RENTS AND ROYALTIES FROM OIL  
4 AND GAS LEASES OF COMMONWEALTH LAND TO BE PLACED IN A SPECIAL  
5 FUND TO BE USED FOR CONSERVATION, RECREATION, DAMS AND FLOOD  
6 CONTROL; AUTHORIZING THE SECRETARY OF FORESTS AND WATERS TO  
7 DETERMINE THE NEED FOR AND LOCATION OF SUCH PROJECTS AND TO  
8 ACQUIRE THE NECESSARY LAND." THE FOLLOWING APPLY:

9 (1) EXCEPT AS OTHERWISE PROVIDED IN 27 PA.C.S. CH. 33  
10 SUBCH. B, ALL ACTIVITIES INITIATED UNDER THE FORMER ACT OF  
11 DECEMBER 15, 1955 (P.L.865, NO.256) SHALL CONTINUE AND REMAIN  
12 IN FULL FORCE AND EFFECT AND MAY BE COMPLETED UNDER 27  
13 PA.C.S. CH. 33 SUBCH. B. RESOLUTIONS, ORDERS, REGULATIONS,  
14 RULES AND DECISIONS WHICH WERE MADE UNDER THE FORMER ACT OF  
15 DECEMBER 15, 1955 (P.L.865, NO.256) AND WHICH ARE IN EFFECT  
16 ON THE EFFECTIVE DATE OF THIS SECTION SHALL REMAIN IN FULL  
17 FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER 27  
18 PA.C.S. CH. 33 SUBCH. B. CONTRACTS, OBLIGATIONS AND  
19 AGREEMENTS ENTERED INTO UNDER THE FORMER ACT OF DECEMBER 15,  
20 1955 (P.L.865, NO.256) ARE NOT AFFECTED NOR IMPAIRED BY THE  
21 REPEAL OF THE FORMER ACT OF DECEMBER 15, 1955 (P.L.865,  
22 NO.256).

23 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE  
24 IN LANGUAGE BETWEEN 27 PA.C.S. CH. 33 SUBCH. B AND THE FORMER  
25 ACT OF DECEMBER 15, 1955 (P.L.865, NO.256) IS INTENDED ONLY  
26 TO CONFORM TO THE STYLE OF THE PENNSYLVANIA CONSOLIDATED  
27 STATUTES AND IS NOT INTENDED TO CHANGE OR AFFECT THE  
28 LEGISLATIVE INTENT, JUDICIAL CONSTRUCTION OR ADMINISTRATIVE  
29 INTERPRETATION AND IMPLEMENTATION OF THE FORMER ACT OF  
30 DECEMBER 15, 1955 (P.L.865, NO.256).

1 (3) PARAGRAPH (2) DOES NOT APPLY TO 27 PA.C.S. §§ 3301,  
2 3302(B) (3) AND 3305.

3 SECTION 4. REPEALS ARE AS FOLLOWS:

4 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
5 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 27  
6 PA.C.S. CH. 33.

7 (2) THE ACT OF DECEMBER 15, 1955 (P.L.865, NO.256),  
8 ENTITLED "AN ACT REQUIRING RENTS AND ROYALTIES FROM OIL AND  
9 GAS LEASES OF COMMONWEALTH LAND TO BE PLACED IN A SPECIAL  
10 FUND TO BE USED FOR CONSERVATION, RECREATION, DAMS, AND FLOOD  
11 CONTROL; AUTHORIZING THE SECRETARY OF FORESTS AND WATERS TO  
12 DETERMINE THE NEED FOR AND LOCATION OF SUCH PROJECTS AND TO  
13 ACQUIRE THE NECESSARY LAND," IS REPEALED.

14 (3) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
15 PARAGRAPH (4) IS NECESSARY TO EFFECTUATE THE ADDITION OF 58  
16 PA.C.S. CH. 32.

17 (4) THE ACT OF DECEMBER 19, 1984 (P.L.1140, NO.223),  
18 KNOWN AS THE OIL AND GAS ACT, IS REPEALED.

19 SECTION 5. THE ADDITION OF 58 PA.C.S. CH. 32 IS A  
20 CONTINUATION OF THE ACT OF DECEMBER 19, 1984 (P.L.1140, NO.223),  
21 KNOWN AS THE OIL AND GAS ACT. THE FOLLOWING APPLY:

22 (1) EXCEPT AS OTHERWISE PROVIDED IN 58 PA.C.S. CH. 32,  
23 ALL ACTIVITIES INITIATED UNDER THE OIL AND GAS ACT SHALL  
24 CONTINUE AND REMAIN IN FULL FORCE AND EFFECT AND MAY BE  
25 COMPLETED UNDER 58 PA.C.S. CH. 32. ORDERS, REGULATIONS, RULES  
26 AND DECISIONS WHICH WERE MADE UNDER THE OIL AND GAS ACT AND  
27 WHICH ARE IN EFFECT ON THE EFFECTIVE DATE OF SECTION 2(2) OF  
28 THIS ACT SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REVOKED,  
29 VACATED OR MODIFIED UNDER 58 PA.C.S. CH. 32. CONTRACTS,  
30 OBLIGATIONS AND COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO

1 UNDER THE OIL AND GAS ACT ARE NOT AFFECTED NOR IMPAIRED BY  
2 THE REPEAL OF THE OIL AND GAS ACT.

3 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE  
4 IN LANGUAGE BETWEEN 58 PA.C.S. CH. 32 AND THE OIL AND GAS ACT  
5 IS INTENDED ONLY TO CONFORM TO THE STYLE OF THE PENNSYLVANIA  
6 CONSOLIDATED STATUTES AND IS NOT INTENDED TO CHANGE OR AFFECT  
7 THE LEGISLATIVE INTENT, JUDICIAL CONSTRUCTION OR  
8 ADMINISTRATION AND IMPLEMENTATION OF THE OIL AND GAS ACT.

9 (3) PARAGRAPH (2) DOES NOT APPLY TO THE ADDITION OF 58  
10 PA.C.S. §§ 3203, 3211, 3212.1, 3215, 3215.1, 3216, 3218,  
11 3219.1, 3222, 3225, 3227, 3252, 3253, 3254.1, 3256, 3258,  
12 3262, 3272 AND 3274.

13 (4) IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY TO  
14 CHANGE, REPEAL OR OTHERWISE AFFECT ANY OF THE PROVISIONS OF  
15 THE ACT OF DECEMBER 18, 1984 (P.L. 1069, NO. 214), KNOWN AS  
16 THE COAL AND GAS RESOURCE COORDINATION ACT, OR TO CHANGE,  
17 REPEAL OR OTHERWISE AFFECT ANY OF THE PROVISIONS OF THE ACT  
18 OF JANUARY 26, 2011 (P.L.7, NO.2), ENTITLED "AN ACT AMENDING  
19 THE ACT OF DECEMBER 18, 1984 (P.L.1069, NO.214), ENTITLED 'AN  
20 ACT REQUIRING COORDINATION OF COAL MINE AND GAS WELL  
21 OPERATORS; AUTHORIZING DEPARTMENT OF ENVIRONMENTAL RESOURCES  
22 ENFORCEMENT POWERS; AND PROVIDING PENALTIES,' FURTHER  
23 PROVIDING FOR DEFINITIONS, FOR PERMITS, FOR PERMIT  
24 APPLICATION, FOR MINIMUM DISTANCE BETWEEN GAS WELLS, FOR WELL  
25 CLASS DESIGNATION AND FOR COORDINATION OF GAS WELL DRILLING  
26 THROUGH ACTIVE COAL MINES; PROVIDING FOR A PILLAR SUPPORT  
27 STUDY; AND FURTHER PROVIDING FOR PLUGGING GAS WELLS  
28 PENETRATING WORKABLE COAL SEAMS, FOR PENALTIES AND FOR  
29 VALIDITY OF OTHER LAWS," WHICH AMENDED THE COAL AND GAS  
30 RESOURCE COORDINATION ACT.

1 SECTION 5.1. THE ADDITION OF 58 PA.C.S. § 3215(G)(2) SHALL  
2 EXPIRE THREE YEARS AFTER THE EFFECTIVE DATE OF THIS ACT.  
3 SECTION 6. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.