
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 906 Session of
2011

INTRODUCED BY FERLO AND FONTANA, APRIL 4, 2011

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 4, 2011

AN ACT

1 Providing for a Statewide moratorium on natural gas drilling in
2 the Marcellus Shale.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Statewide
7 Marcellus Shale Natural Gas Drilling Moratorium Act.

8 Section 2. Definitions.

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

12 "Commission." The Marcellus Well Drilling Study Commission.

13 "Department." The Department of Environmental Protection of
14 the Commonwealth.

15 "Marcellus well." A well from which gas from the Marcellus
16 Shale formation, as determined by the United States Geological
17 Survey, is or is intended to be extracted, including wells on
18 Commonwealth and non-Commonwealth land.

1 Section 3. Moratorium.

2 (a) Establishment.--Notwithstanding any other provision of
3 law, a moratorium is established during which no Marcellus wells
4 may be drilled, including Marcellus wells that have received a
5 permit from the department, but drilling has not begun.

6 (b) Expiration.--The moratorium in subsection (a) shall
7 expire one year after the effective date of this act.

8 Section 4. Marcellus Well Drilling Study Commission.

9 (a) Establishment.--There is established the Marcellus Well
10 Drilling Study Commission.

11 (b) Purpose.--The purpose of the commission shall be to
12 study and analyze the environmental, social and economic impacts
13 of Marcellus well drilling in this Commonwealth and recommend
14 changes to the Commonwealth's statutory and regulatory framework
15 to ensure the protection of the public and the environment as
16 well as successful promotion of the natural gas industry.

17 Section 5. Report.

18 (a) Report.--The commission shall provide a comprehensive
19 report of the study. The report shall thoroughly investigate the
20 impact of Marcellus well drilling in this Commonwealth and make
21 recommendations on improvements to Pennsylvania's law and
22 implement regulations to ensure the protection of the public and
23 the environment as well as the successful promotion of the
24 natural gas industry. The recommendations should include, but
25 not be limited to, guidance on all of the following:

26 (1) Laws and regulations for the protection of rivers,
27 streams and groundwater from drilling activities, including
28 protecting drinking water, and managing wastewater, storm
29 water run-off and spills.

30 (2) Air quality laws and regulations.

1 (3) The disclosure and consequences of specific
2 chemicals used by the drilling industry, including amounts
3 used at each well site.

4 (4) The appropriate permitting processes, drilling and
5 well inspections, staffing levels and other administrative
6 responsibilities of the department.

7 (5) How to handle liability and bonding at all well
8 sites in the event of drilling disasters that pose an
9 environmental risk, especially in remote areas.

10 (6) The impact on the State labor market and how to
11 encourage job opportunities and procurement for Pennsylvania
12 businesses.

13 (7) The financial impact to host communities, such as
14 inadequate trucking routes and transport of contaminated
15 water which is produced due to the type of drilling and
16 fracturing method.

17 (8) Property rights of both those leasing land and those
18 adjacent to leased land.

19 (9) The cumulative impact of existing and likely
20 proposed drilling in Pennsylvania's Marcellus Shale,
21 including an analysis on water quality, air quality, land
22 use, habitat and human health.

23 (10) The effects on the social fabric, including, but
24 not limited to:

- 25 (i) Tourism.
- 26 (ii) Recreation.
- 27 (iii) Hunting.
- 28 (iv) Fishing.
- 29 (v) Community aesthetics.
- 30 (vi) Quality of life.

1 (b) Presentation.--The commission shall present the report
2 to the Governor, the chairman and minority chairman of the
3 Environmental Resources and Energy Committee of the Senate and
4 the chairman and minority chairman of the Environmental
5 Resources and Energy Committee of the House of Representatives
6 nine months after the effective date of this act.

7 Section 6. Composition of commission.

8 (a) Members.--The commission shall consist of seven members
9 appointed as follows:

10 (1) One member appointed by the Governor.

11 (2) One member appointed by the President pro tempore of
12 the Senate.

13 (3) One member appointed by the Minority Leader of the
14 Senate.

15 (4) One member appointed by the Speaker of the House of
16 Representatives.

17 (5) One member appointed by the Minority Leader of the
18 House of Representatives.

19 (6) The Secretary of Environmental Protection.

20 (7) The Secretary of Conservation and Natural Resources.

21 (b) Chairperson.--The Secretary of Environmental Protection
22 shall act as chair of the commission.

23 (c) Staffing.--The Commonwealth shall, through the
24 department, provide reasonable and necessary clerical, research
25 and administrative support and may contract for research,
26 analysis and editorial work in support of the commission as
27 necessary.

28 (d) Submission of members.--The Governor and responsible
29 legislative members shall make appointments to the commission
30 within 15 days of the effective date of this act.

1 Section 7. Public meetings.

2 The commission shall conduct at least six public hearings in
3 different geographic areas of this Commonwealth. All meetings,
4 except for organizational meetings and planning sessions, shall
5 be conducted as open meetings under 65 Pa.C.S. Ch. 7 (relating
6 to open meetings). The initial organizational meeting shall take
7 place no later than 30 days after the effective date of this
8 act.

9 Section 8. Cooperation by State agencies.

10 The department shall serve as the administrative support
11 agency of the commission and shall provide facilities, personnel
12 assistance, information and services necessary to fulfill the
13 mission of the commission. All other Commonwealth agencies are
14 directed to cooperate with and assist the commission in
15 fulfilling its duties and responsibilities.

16 Section 9. Effective date.

17 This act shall take effect immediately.