

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 343 Session of
2013

INTRODUCED BY R. MILLER, ROSS, STURLA, GODSHALL, SIMMONS,
STEPHENS, P. DALEY, O'NEILL, WATSON, GROVE, DEAN, PETRI,
WHITE, MOUL, CLYMER AND MURT, JANUARY 24, 2013

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 11, 2013

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, in conservation and natural resources,
3 providing for water well construction standards.

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

6 Section 1. Title 27 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 33

9 WATER WELL CONSTRUCTION STANDARDS

10 Sec.

11 3301. Scope of chapter.

12 3302. Definitions.

13 3303. Water well construction standards and decommissioning of
14 abandoned wells.

15 3304. Powers and duties.

16 3305. Penalties.

17 3306. CONSTRUCTION.

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1 § 3301. Scope of chapter.

2 This chapter provides for water well construction standards.

3 § 3302. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Abandoned well." A water well that is no longer equipped in
8 such a manner as to be able to draw groundwater. This term
9 includes a water well where the pump, piping or electrical
10 components have been disconnected or removed or when its use on
11 a regular or prescribed basis has been discontinued. The term
12 does not include a water well that is not currently used, but is
13 equipped or otherwise properly maintained in such a manner as to
14 be able to draw groundwater as an alternative, backup or
15 supplemental water source.

16 "Casing." An impervious durable pipe placed in a water well
17 to prevent the walls from caving in and to seal off surface
18 drainage or undesirable water, gas or other fluids and to
19 prevent them from entering the water well.

20 "Decommissioning." The process of properly filling and
21 sealing an abandoned well.

22 "Department." The Department of Environmental Protection of
23 the Commonwealth.

24 "Drilling." An act necessary to the construction of a water
25 well, including, but not limited to, drilling, boring, coring,
26 washing, jetting and driving.

27 "Groundwater." Water beneath the surface of the ground
28 within a zone of saturation, whether or not flowing through
29 known and definite channels or percolating through underground
30 geologic formations and regardless of whether the result of

1 natural or artificial recharge. The term includes water
2 contained in an aquifer, artesian and nonartesian basin,
3 underground watercourse and any other body of water below the
4 surface of the earth.

5 "Grout." A permanent water tight joint or connection made by
6 filling with concrete, neat cement, or other approved impervious
7 material between the casing and the undisturbed formation
8 surrounding a water well or between two strings of casing.

9 "Person." A natural person, association, partnership or
10 corporation. Whenever used in any provision of this chapter
11 prescribing and imposing a penalty or imposing a fine or
12 imprisonment, or both, the term, as applied to an association,
13 shall include the members thereof and, as applied to a
14 corporation, the officers thereof. The provisions of this
15 chapter restricting or regulating the actions of any person
16 shall be construed as regulating or restricting the actions of
17 the employees and agents of such person.

18 "Public water system." A system that provides water to the
19 public for human consumption and has at least 15 service
20 connections or regularly serves an average of at least 25
21 individuals daily at least 60 days per year. The term includes
22 collection, treatment, storage and distribution facilities
23 whether or not they are under the control of the operator of the
24 system and used in connection with the system.

25 "Test-well." A hole drilled for the sole purpose of
26 measuring groundwater quantity and availability.

27 "Water for human consumption." The term includes water that
28 is used for drinking, bathing and showering, cooking,
29 dishwashing or maintaining oral hygiene.

30 "Water well." An excavation that is drilled, bored, cored,

1 washed, driven, jetted or otherwise constructed when the
2 intended use of the excavation is for the location, diversion or
3 acquisition of groundwater for purposes which may include, but
4 are not limited to, human consumption, irrigation, industrial
5 process, production or cooling purposes, groundwater dewatering,
6 investigation, monitoring, testing or remediation. The term does
7 not include an excavation for the purposes of:

8 (1) obtaining or prospecting for oil, natural gas,
9 minerals or products of mining or quarrying;

10 (2) inserting media to repressure oil-bearing or natural
11 gas-bearing formation, storing petroleum or other materials;
12 or

13 (3) a public water system regulated under the act of May
14 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe
15 Drinking Water Act.

16 "Water well completion report." A report that describes
17 where, when and how a well was constructed and includes a
18 section outlining the water well owner's responsibilities,
19 including the decommissioning of abandoned wells, under this
20 act.

21 "Water well decommissioning report." A report that describes
22 where, when and how a well was decommissioned.

23 "Water well driller." A water well contractor who is
24 licensed under the act of May 29, 1956 (1955 P.L.1840, No.610),
25 known as the Water Well Drillers License Act, and has contracted
26 for the drilling, digging, driving, boring, coring, washing,
27 jetting, constructing, altering, repairing or decommissioning of
28 a water well.

29 "Water well owner." A person who owns land that is used for
30 any purpose and on which a water well has been drilled.

1 § 3303. Water well construction standards and decommissioning
2 of abandoned wells.

3 (a) Water well construction standards.--All water wells in
4 this Commonwealth shall be constructed by a water well driller
5 in accordance with water well construction standards, as
6 ~~promulgated~~ ADOPTED under section 3304 (relating to powers and <--
7 duties).

8 (b) Decommissioning of abandoned wells.--

9 (1) All water well owners shall be responsible for the
10 decommissioning of abandoned wells.

11 (2) All abandoned wells in this Commonwealth shall be
12 decommissioned by a water well driller in accordance with
13 decommissioning standards as ~~promulgated~~ ADOPTED under <--
14 section 3304.

15 (3) Water wells abandoned after the adoption of
16 regulations ~~promulgated~~ under section 3304 shall be <--
17 decommissioned within one year following abandonment. Water
18 wells abandoned prior to the effective date of this section
19 shall be decommissioned within two years of the adoption of
20 regulations ~~promulgated~~ under section 3304. <--

21 (c) Water well completion or decommissioning reports.--A
22 water well driller shall provide the Department of Conservation
23 and Natural Resources, as required under the act of May 29, 1956
24 (1955 P.L.1840, No.610), known as the Water Well Drillers
25 License Act, the department and water well owner, upon forms to
26 be prescribed by the department, a copy of a water well
27 completion or decommissioning report.

28 (d) Exemption.--Counties or municipalities with existing
29 ordinances, upon the effective date of this section, relating to
30 water well construction or decommissioning standards, to the

1 extent that such ordinances are consistent with the regulations
2 ~~promulgated~~ ADOPTED under section 3304, shall be exempt from the <--
3 provisions of this chapter.

4 § 3304. Powers and duties.

5 (a) Environmental Quality Board.--The Environmental Quality
6 Board shall promulgate such rules and regulations adopting
7 construction and decommissioning standards such as those
8 ~~utilized by existing county programs~~ RECOMMENDED BY THE AMERICAN <--
9 NATIONAL STANDARDS INSTITUTE/NATIONAL GROUND WATER ASSOCIATION
10 or shall promulgate similar construction or decommissioning
11 standards as it deems necessary for the implementation of the
12 provisions of this chapter.

13 (b) Department.--

14 (1) The department shall ~~develop and implement~~ <--
15 ~~procedures as may be necessary and appropriate in order to~~
16 ~~obtain compliance with this chapter or the rules and~~
17 ~~regulations promulgated under~~ ENFORCE THE PENALTIES <--
18 AUTHORIZED UNDER SECTION 3305 (RELATING TO PENALTIES) AND MAY
19 ISSUE ORDERS OR TAKE SUCH ACTIONS AS MAY BE NECESSARY AND
20 APPROPRIATE TO OBTAIN COMPLIANCE WITH this chapter.

21 ~~(2) (i) The department shall establish and collect~~ <--
22 ~~reasonable fees from water well drillers, which fees~~
23 ~~shall be submitted along with water well completion and~~
24 ~~decommissioning reports, for administering the provisions~~
25 ~~of this chapter.~~

26 ~~(ii) Fees assessed under this section and civil~~
27 ~~penalties under section 3305 (relating to penalties)~~

28 (2) CIVIL PENALTIES UNDER SECTION 3305 shall be <--
29 deposited into the Safe Drinking Water Fund TO BE USED BY THE <--
30 DEPARTMENT TO PROVIDE FOR ANY ADMINISTRATIVE COSTS ASSOCIATED

1 WITH THIS CHAPTER.

2 (3) The department shall post information on its
3 publicly accessible Internet website regarding private water
4 wells, including the construction and decommissioning
5 standards promulgated under this chapter AND THE TOTAL AMOUNT <--
6 OF FINES COLLECTED ANNUALLY AND DEPOSITED INTO THE SAFE
7 DRINKING WATER FUND.

8 ~~(4) The department shall enforce the penalties~~ <--
9 ~~authorized under section 3305 and may issue orders or take~~
10 ~~such actions as may be necessary and appropriate to obtain~~
11 ~~compliance with this chapter.~~

12 § 3305. Penalties.

13 (a) Summary offense.--A person who constructs a water well
14 or decommissions an abandoned well in violation of section 3303
15 (relating to water well construction standards and
16 decommissioning of abandoned wells) commits a summary offense
17 and shall, upon conviction, be sentenced to pay a fine of not
18 more than \$1,000 and, in default thereof, to imprisonment for
19 not more than ten days.

20 (b) Misdemeanor.--A person previously convicted of a summary
21 offense under subsection (a) who constructs a water well or
22 causes a water well to be constructed in violation of section
23 3303 commits a misdemeanor and shall, upon conviction, be
24 sentenced to pay a fine of not more than \$5,000 and, in default
25 thereof, to imprisonment for not more than three months.

26 (c) Failure to file a water well completion or
27 decommissioning report.--A water well driller who fails to file
28 the report required by this chapter commits a summary offense
29 and shall, upon conviction, be sentenced to pay a fine of not
30 more than \$250 and, in default thereof, to imprisonment for not

1 more than ten days.

2 § 3306. CONSTRUCTION.

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3 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO ALLOW:

4 (1) THE DEPARTMENT OR THE DEPARTMENT OF CONSERVATION AND
5 NATURAL RESOURCES TO REQUIRE A PERMIT OF ANY KIND FOR THE
6 CONSTRUCTION OR THE DECOMMISSIONING OF WATER WELLS IN THIS
7 COMMONWEALTH.

8 (2) THE COMMONWEALTH OR ANY MUNICIPALITY OR ANY AGENCY,
9 AUTHORITY, DEPARTMENT OR DIVISION THEREOF TO METER, CHARGE,
10 TAX OR OTHERWISE IMPOSE A FEE FOR THE USAGE OF PRIVATE WATER
11 WELLS IN THIS COMMONWEALTH.

12 Section 2. This act shall take effect as follows:

13 (1) The addition of 27 Pa.C.S. §§ 3303 and 3305 shall
14 take effect on the date regulations under 27 Pa.C.S. § 3304
15 are adopted.

16 (2) The remainder of this act shall take effect in 30
17 days.