

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1100 Session of
2013

INTRODUCED BY FERLO, KITCHEN, TARTAGLIONE, SCHWANK, LEACH,
BOSCOLA, WASHINGTON AND DINNIMAN, SEPTEMBER 23, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 23, 2013

AN ACT

1 Providing for a Statewide moratorium on natural gas drilling.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

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

7 Section 2. Definitions.

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

11 "Commission." The Well Drilling Study Commission.

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

14 "Well." An unconventional well as defined under 58 Pa.C.S. §
15 3203 (relating to definitions), including wells on Commonwealth
16 and non-Commonwealth land.

17 Section 3. Moratorium.

1 The department may not issue a well permit under 58 Pa.C.S.
2 Ch. 32 (relating to development) to engage in oil and gas
3 operations within the geographic boundaries of this
4 Commonwealth.

5 Section 4. Well Drilling Study Commission.

6 (a) Establishment.--There is established the Well Drilling
7 Study Commission.

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

14 Section 5. Report.

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

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

27 (2) Air quality laws and regulations.

28 (3) The disclosure and consequences of specific
29 chemicals used by the drilling industry, including amounts
30 and concentrations used at each well site.

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

4 (5) How to handle liability and bonding at all well
5 sites in the event of a drilling disaster or well abandonment
6 that poses an environmental risk, especially in remote areas.

7 (6) The impact on the State labor market and how to
8 encourage job opportunities and procurement for Pennsylvania
9 businesses.

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

14 (8) Property rights of both those leasing land and those
15 adjacent to leased land.

16 (9) The cumulative impact of existing and future
17 drilling in this Commonwealth, including an analysis on water
18 quality, air quality, land use, habitat and human health.

19 (10) The effects on the social and economic fabric,
20 including, but not limited to:

21 (i) Tourism.

22 (ii) Agriculture.

23 (iii) Recreation.

24 (iv) Hunting.

25 (v) Fishing.

26 (vi) Community aesthetics.

27 (vii) Quality of life.

28 (11) The cumulative contribution made by this
29 Commonwealth to climate change due to methane leakage from
30 drilling sites and throughout the natural gas collection and

1 distribution system.

2 (12) The effects that drilling and natural gas
3 production have on property value.

4 (b) Presentation.--The commission shall present the report
5 to the Governor, the chairman and minority chairman of the
6 Environmental Resources and Energy Committee of the Senate and
7 the chairman and minority chairman of the Environmental
8 Resources and Energy Committee of the House of Representatives
9 by January 1, 2017.

10 Section 6. Composition of commission.

11 (a) Members.--The commission shall consist of the following
12 members:

13 (1) One representative from a State-based, member-based
14 nonprofit environment organization appointed by the Governor,
15 with the consent of the Senate.

16 (2) One representative from an academic institution with
17 expertise in biology, chemistry or limnology appointed by the
18 Governor, with the consent of the Senate.

19 (3) One representative from the Pennsylvania Council of
20 Professional Geologists appointed by the Governor, with the
21 consent of the Senate.

22 (4) One representative from the oil and gas industry
23 appointed by the Governor, with the consent of the Senate.

24 (5) One representative from a medical or public health
25 institution or organization appointed by the Governor, with
26 the consent of the Senate.

27 (6) The Secretary of Environmental Protection, ex
28 officio.

29 (7) The Secretary of Conservation and Natural Resources,
30 ex officio.

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

3 (c) Staffing.--The Commonwealth shall, through the
4 department, provide reasonable and necessary clerical, research
5 and administrative support and may contract for research,
6 analysis and editorial work in support of the commission as
7 necessary.

8 (d) Submission of members.--The Governor shall make
9 appointments to the commission within 30 days of the effective
10 date of this act.

11 (e) Prohibitions.--Members appointed under subsection (a)
12 (1), (2), (3), and (5) shall not have, at or following the
13 effective date of this act, a financial interest in or be
14 employed, directly or indirectly, by any oil and gas company or
15 any holding, affiliate, intermediary or subsidiary company
16 thereof, or any such applicant. This section applies to work
17 performed studying the oil and gas industry funded by oil and
18 gas interests.

19 Section 7. Public meetings.

20 The commission shall conduct at least six public hearings in
21 different geographic areas of this Commonwealth. All meetings,
22 except for organizational meetings and planning sessions, shall
23 be conducted as open meetings under 65 Pa.C.S. Ch. 7 (relating
24 to open meetings). The initial organizational meeting shall take
25 place no later than 30 days after the Senate has confirmed
26 members under section 6(a)(1) through (5).

27 Section 8. Cooperation by State agencies.

28 The department shall serve as the administrative support
29 agency of the commission and shall provide facilities, personnel
30 assistance, information and services necessary to fulfill the

1 mission of the commission. All other Commonwealth agencies are
2 directed to cooperate with and assist the commission in
3 fulfilling its duties and responsibilities.

4 Section 20. Effective date.

5 This act shall take effect immediately.