

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 81 Session of 2015

INTRODUCED BY HARPER, DAY, COHEN, MURT, MARSHALL AND ROSS,
JANUARY 21, 2015

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 21, 2015

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.

18 § 3301. Scope of chapter.

1 This chapter provides for water well construction standards.

2 § 3302. Definitions.

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

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

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

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

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

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

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

1 contained in an aquifer, artesian and nonartesian basin,
2 underground watercourse and any other body of water below the
3 surface of the earth.

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

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

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

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

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

29 "Water well." An excavation that is drilled, bored, cored,
30 washed, driven, jetted or otherwise constructed when the

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

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

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

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

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

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

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

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

30 § 3303. Water well construction standards and decommissioning

1 of abandoned wells.

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

6 (b) Decommissioning of abandoned wells.--

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

9 (2) All abandoned wells in this Commonwealth shall be
10 decommissioned by a water well driller in accordance with
11 decommissioning standards as adopted under section 3304.

12 (3) Water wells abandoned after the adoption of
13 regulations under section 3304 shall be decommissioned within
14 one year following abandonment. Water wells abandoned prior
15 to the effective date of this section shall be decommissioned
16 within two years of the adoption of regulations under section
17 3304.

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

25 (d) Exemption.--Counties or municipalities with existing
26 ordinances, upon the effective date of this section, relating to
27 water well construction or decommissioning standards, to the
28 extent that such ordinances are consistent with the regulations
29 adopted under section 3304, shall be exempt from the provisions
30 of this chapter.

1 § 3304. Powers and duties.

2 (a) Environmental Quality Board.--The Environmental Quality
3 Board shall promulgate such rules and regulations adopting
4 construction and decommissioning standards such as those
5 recommended by the American National Standards
6 Institute/National Ground Water Association or shall promulgate
7 similar construction or decommissioning standards as it deems
8 necessary for the implementation of the provisions of this
9 chapter.

10 (b) Department.--

11 (1) The department shall develop and implement
12 procedures as may be necessary and appropriate in order to
13 obtain compliance with this chapter or the rules and
14 regulations promulgated under this chapter. The department
15 shall enforce the penalties authorized under section 3305
16 (relating to penalties) and may issue orders or take such
17 actions as may be necessary and appropriate to obtain
18 compliance with this chapter.

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

24 (ii) Fees assessed under this section and civil
25 penalties under section 3305 shall be deposited into the
26 Safe Drinking Water Account.

27 (3) Penalties under section 3305 shall be deposited into
28 the Safe Drinking Water Account to be used by the department
29 to provide for any administrative costs associated with this
30 chapter.

1 (4) The department shall post information on its
2 publicly accessible Internet website regarding private water
3 wells, including the construction and decommissioning
4 standards promulgated under this chapter and the total amount
5 of fines collected annually and deposited into the Safe
6 Drinking Water Account.

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

11 § 3305. Penalties.

12 (a) Summary offense.--A person who constructs a water well
13 or decommissions an abandoned well in violation of section 3303
14 (relating to water well construction standards and
15 decommissioning of abandoned wells) commits a summary offense
16 and shall, upon conviction, be sentenced to pay a fine of not
17 more than \$1,000 and, in default thereof, to imprisonment for
18 not more than 10 days.

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

25 (c) Failure to file a water well completion or
26 decommissioning report.--A water well driller who fails to file
27 the report required by this chapter commits a summary offense
28 and shall, upon conviction, be sentenced to pay a fine of not
29 more than \$250 and, in default thereof, to imprisonment for not
30 more than 10 days.

1 § 3306. Construction.

2 Nothing in this chapter shall be construed to allow the
3 Commonwealth or any municipality or any agency, authority,
4 department or division thereof to meter, charge, tax or
5 otherwise impose a fee for the usage of private water wells in
6 this Commonwealth.

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

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

11 (2) The remainder of this act shall take effect in 30
12 days.