
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 653 Session of
2015

INTRODUCED BY VANCE, ALLOWAY, BAKER, BREWSTER, RAFFERTY,
YUDICHAK, BARTOLOTTA, SCHWANK AND VULAKOVICH, MARCH 23, 2015

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 23, 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; and
4 prescribing penalties.

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

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

9 CHAPTER 33

10 WATER WELL CONSTRUCTION STANDARDS

11 Sec.

12 3301. Scope of chapter.

13 3302. Definitions.

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

16 3304. Powers and duties.

17 3305. Penalties.

18 3306. Construction.

19 § 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, 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 "Safe drinking water account." The Safe Drinking Water
25 Account established by the act of May 1, 1984 (P.L.206, No.43),
26 known as the Pennsylvania Safe Drinking Water Act.

27 "Test well." A hole drilled for the sole purpose of
28 measuring groundwater quantity and availability.

29 "Water for human consumption." The term includes water that
30 is used for drinking, bathing and showering, cooking,

1 dishwashing or maintaining oral hygiene.

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

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

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

15 (3) a public water system regulated under the act of May
16 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe
17 Drinking Water Act.

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

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

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

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

3 § 3303. Water well construction standards and decommissioning
4 of abandoned wells.

5 (a) General rule.--A water well in this Commonwealth shall
6 be constructed by a water well driller in accordance with water
7 well construction standards, as adopted under section 3304
8 (relating to powers and duties).

9 (b) Duty to decommission abandoned wells.--

10 (1) A water well owner shall be responsible for the
11 decommissioning of an abandoned well on the water well
12 owner's land.

13 (2) An abandoned well shall be decommissioned by a water
14 well driller in accordance with decommissioning standards as
15 adopted under section 3304.

16 (3) A water well abandoned after the adoption of
17 regulations under section 3304 shall be decommissioned within
18 one year following abandonment.

19 (4) A water well abandoned prior to the effective date
20 of this section shall be decommissioned within two years of
21 the adoption of regulations under section 3304.

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

28 (d) Exemption.--A county or municipality with an existing
29 ordinance upon the effective date of this section relating to
30 water well construction or decommissioning standards, to the

1 extent the ordinance is consistent with the regulations adopted
2 under section 3304, shall be exempt from the provisions of this
3 chapter.

4 § 3304. Powers and duties.

5 (a) Environmental Quality Board.--The Environmental Quality
6 Board shall promulgate rules and regulations adopting
7 construction and decommissioning standards.

8 (b) Department.--

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

13 (2) Civil penalties under section 3305 shall be
14 deposited into the Safe Drinking Water Account to be used by
15 the department to provide for any administrative costs
16 associated with this chapter.

17 (3) The department shall post information on its
18 publicly accessible Internet website regarding private water
19 wells, including the construction and decommissioning
20 standards promulgated under this chapter and the total amount
21 of fines collected annually and deposited into the Safe
22 Drinking Water Account.

23 § 3305. Penalties.

24 (a) Summary offense.--A person who constructs a water well
25 or decommissions an abandoned well in violation of section 3303
26 (relating to water well construction standards and
27 decommissioning of abandoned wells) commits a summary offense
28 and shall, upon conviction, be sentenced to pay a fine of not
29 more than \$1,000 and, in default thereof, to imprisonment for
30 not more than 10 days.

1 (b) Misdemeanor.--A person previously convicted of a summary
2 offense under subsection (a) who constructs a water well or
3 causes a water well to be constructed in violation of section
4 3303 commits a misdemeanor and shall, upon conviction, be
5 sentenced to pay a fine of not more than \$5,000 and, in default
6 thereof, to imprisonment for not more than three months.

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

13 § 3306. Construction.

14 Nothing in this chapter shall be construed to allow:

15 (1) The department or the Department of Conservation and
16 Natural Resources to require a permit of any kind for the
17 construction or the decommissioning of a water well.

18 (2) The Commonwealth or a municipality or an agency, an
19 authority, a department or a division thereof to meter,
20 charge, tax or otherwise impose a fee for the usage of a
21 private water well.

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

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

26 (2) The remainder of this act shall take effect in 30
27 days.