
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 417 Session of
2017

INTRODUCED BY GODSHALL, D. COSTA, DEAN, PHILLIPS-HILL, MARSHALL,
MOUL, MURT, SANTORA, STEPHENS, STURLA, WARD AND WATSON,
FEBRUARY 8, 2017

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 8, 2017

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 to
7 be able to draw groundwater. The term includes a water well
8 where the pump, piping or electrical components have been
9 disconnected or removed or when use on a regular or prescribed
10 basis has been discontinued. The term does not include a water
11 well that is not currently used but is equipped or otherwise
12 properly maintained to be able to draw groundwater as an
13 alternative, backup or supplemental water source.

14 "Casing." An impervious durable pipe placed in a water well
15 to prevent the walls from caving in and to seal off surface
16 drainage or undesirable water, gas or other fluids and to
17 prevent the drainage, gas or fluids from entering the water
18 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 drilling, boring, coring, washing, jetting and
25 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 watertight 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. When used in a 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 of the association and, as applied to
13 a corporation, the officers of the corporation. When used in a
14 provision of this chapter which restricts or regulates the
15 actions of a person, the term shall include the employees and
16 agents of the 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 under the control of the operator of the system
23 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 human
3 consumption, irrigation, industrial process, production or
4 cooling purposes, groundwater dewatering, investigation,
5 monitoring, testing or remediation. The term does not include an
6 excavation on a normal agricultural operation as defined in
7 section 2 of the act of June 10, 1982 (P.L.454, No.133),
8 referred to as the Right-to-Farm Law, or for the purposes of:

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

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

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; or

16 (4) complying with obligations under the act of May 31,
17 1945 (P.L.1198, No.418), known as the Surface Mining
18 Conservation and Reclamation Act, under the act of April 27,
19 1966 (1st Sp.Sess., P.L.31, No.1), known as The Bituminous
20 Mine Subsidence and Land Conservation Act, or under the act
21 of September 24, 1968 (P.L.1040, No.318), known as the Coal
22 Refuse Disposal Control Act.

23 "Water well completion report." A report that describes
24 where, when and how a well was constructed and includes a
25 section outlining the water well owner's responsibilities,
26 including the decommissioning of abandoned wells, under this
27 act.

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

30 "Water well driller." A water well contractor who is

1 licensed under the act of May 29, 1956 (1955 P.L.1840, No.610),
2 known as the Water Well Drillers License Act, and has contracted
3 for the drilling, digging, driving, boring, coring, washing,
4 jetting, constructing, altering, repairing or decommissioning of
5 a water well.

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

8 § 3303. Water well construction standards and decommissioning
9 of abandoned wells.

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

14 (b) Decommissioning of abandoned wells.--

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

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

20 (3) Water wells abandoned after the adoption of
21 regulations under section 3304 shall be decommissioned within
22 one year following abandonment. Water wells abandoned prior
23 to the effective date of this section shall be decommissioned
24 within two years of the adoption of regulations under section
25 3304.

26 (c) Water well completion or decommissioning reports.--A
27 water well driller shall provide the Department of Conservation
28 and Natural Resources, as required under the act of May 29, 1956
29 (1955 P.L.1840, No.610), known as the Water Well Drillers
30 License Act, the department and water well owner, upon forms to

1 be prescribed by the department, a copy of a water well
2 completion or decommissioning report.

3 (d) Exemption.--Counties or municipalities with existing
4 ordinances, upon the effective date of this section, relating to
5 water well construction or decommissioning standards, to the
6 extent that the ordinances are consistent with the regulations
7 adopted under section 3304, shall be exempt from the provisions
8 of this chapter.

9 § 3304. Powers and duties.

10 (a) Environmental Quality Board.--The Environmental Quality
11 Board shall promulgate rules and regulations adopting
12 construction and decommissioning standards recommended by the
13 American National Standards Institute-accredited National Ground
14 Water Association.

15 (b) Department.--

16 (1) The department shall enforce the penalties
17 authorized under section 3305 (relating to penalties) and may
18 issue orders or take actions as may be necessary and
19 appropriate to obtain compliance with this chapter.

20 (2) Penalties under section 3305 shall be deposited into
21 the Safe Drinking Water Account to be used by the department
22 to provide for any administrative costs associated with this
23 chapter.

24 (3) The department shall post information on the
25 department's publicly accessible Internet website regarding
26 private water wells, including the construction and
27 decommissioning standards promulgated under this chapter and
28 the total amount of fines collected annually and deposited
29 into the Safe Drinking Water Account.

30 § 3305. Penalties.

1 (a) Summary offense.--A person who constructs a water well
2 or decommissions an abandoned well in violation of section 3303
3 (relating to water well construction standards and
4 decommissioning of abandoned wells) commits a summary offense
5 and shall, upon conviction, be sentenced to pay a fine of not
6 more than \$1,000 and, in default of the fine, to imprisonment
7 for not more than 10 days.

8 (b) Misdemeanor.--A person previously convicted of a summary
9 offense under subsection (a) who constructs a water well or
10 causes a water well to be constructed in violation of section
11 3303 commits a misdemeanor and shall, upon conviction, be
12 sentenced to pay a fine of not more than \$5,000 and, in default
13 of the fine, to imprisonment for not more than three months.

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

20 § 3306. Construction.

21 Nothing in this chapter shall be construed to allow:

22 (1) The department or the Department of Conservation and
23 Natural Resources to require a permit of any kind for the
24 construction or the decommissioning of water wells in this
25 Commonwealth.

26 (2) The Commonwealth or any municipality or any agency,
27 authority, department or division thereof to meter, charge,
28 tax or otherwise impose a fee for the usage of private water
29 wells in this Commonwealth.

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

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

4 (2) The remainder of this act shall take effect in 30
5 days.