



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OIL AND GAS MANAGEMENT PROGRAM

LANDOWNER NOTIFICATION OF WELL DRILLING OR ALTERATIONS WATER SUPPLY PROTECTION

The Oil and Gas Act, Act of December 19, 1984, No. 223, Section 208 provides certain protections to public or private water supplies. This notice is to provide you with a summary of your rights under Section 208.

1. The Oil and Gas Act states that an oil or gas well operator who pollutes or diminishes a public or private water supply shall restore or replace the water supply with an alternate source of water adequate in quantity or quality for the purposes served by the supply.
2. Any landowner or water purveyor whose water supply is polluted or diminished as a result of the drilling, alteration or operation of an oil or gas well may submit notice and request that the Department of Environmental Protection conduct an investigation. Within 45 days of the request, the Department will make a determination. If the Department finds that pollution or diminution was caused by the drilling, alteration or operation activities or if it presumes the well operator responsible for pollution, then it will issue such orders as are necessary to assure restoration or replacement of the water supply.

The following information is to be provided when filing notice and requesting an investigation:

- a) The name, address, and telephone number of the surface landowner or water purveyor requesting the investigation;
 - b) The type, location and use of the water supply;
 - c) Any available background quality and quantity data regarding the water supply;
 - d) Well depth, pump setting and water level, if known; and
 - e) Description of the pollution or diminution.
3. The Act establishes a legal presumption that a well operator is responsible for the pollution of a water supply that is within 1,000 feet of the oil or gas well if the pollution occurred within 6 months of completion of drilling or alteration of the well. The well operator may rebut or disprove this presumption by proving one of the following five defenses:
 - a) The pollution existed prior to the drilling or alteration activity as determined by a pre-drilling or pre-alteration survey.
 - b) The landowner or water purveyor refused to allow the operator access to conduct a pre-drilling or pre-alteration survey.
 - c) The water supply is not within 1,000 feet of the well.
 - d) The pollution occurred more than 6 months after completion of drilling or alteration activities.
 - e) The pollution occurred as a result of some cause other than the drilling or alteration activity.

Well operators electing to preserve their defenses under (a) and (b) above must retain the services of an independent certified laboratory to conduct the pre-drilling or pre-alteration survey of water supplies. If requested by the Department, copies of the results are to be given to the Department and the landowner or water purveyor. If the applicant for a well permit does not conduct a pre-drilling or pre-alteration survey, you may wish to have such a survey done in order to support any future claims you may have that your water supply has been diminished or polluted.

OBJECTION TO WELL PERMIT APPLICATION

When a well is located on a tract whose surface is owned by a person other than the well operator, the surface landowner has the right to file objections with the Department pursuant to Section 202 on the following bases:

- a) The information on the application is untrue in any material respect,
- b) The well location is within 200 feet measure horizontally from any existing building or existing water well and the owner thereof has not given his written consent and the operator has not been granted a variance,
- c) The well site is within 100 feet measured horizontally from a stream, spring or body of water as identified on the most current 7½ minute topographic quadrangle map and the operator does not have a waiver, or the well site is within 100 feet of any wetland greater than one acre in size and the operator does not have a waiver, or
- d) The well location violates Section 205 of The Oil and Gas Act.

Any objections and request for a conference must be filed within 15 days of receipt of the plat by the surface landowner and contain the following information:

- a) The name, address and telephone number of the person submitting the objection;
- b) The name of the well operator, and the farm name and number of the proposed well; and
- c) A statement of the objection and a request for a conference, if a conference is being requested.

DEP Regional Offices
to contact:

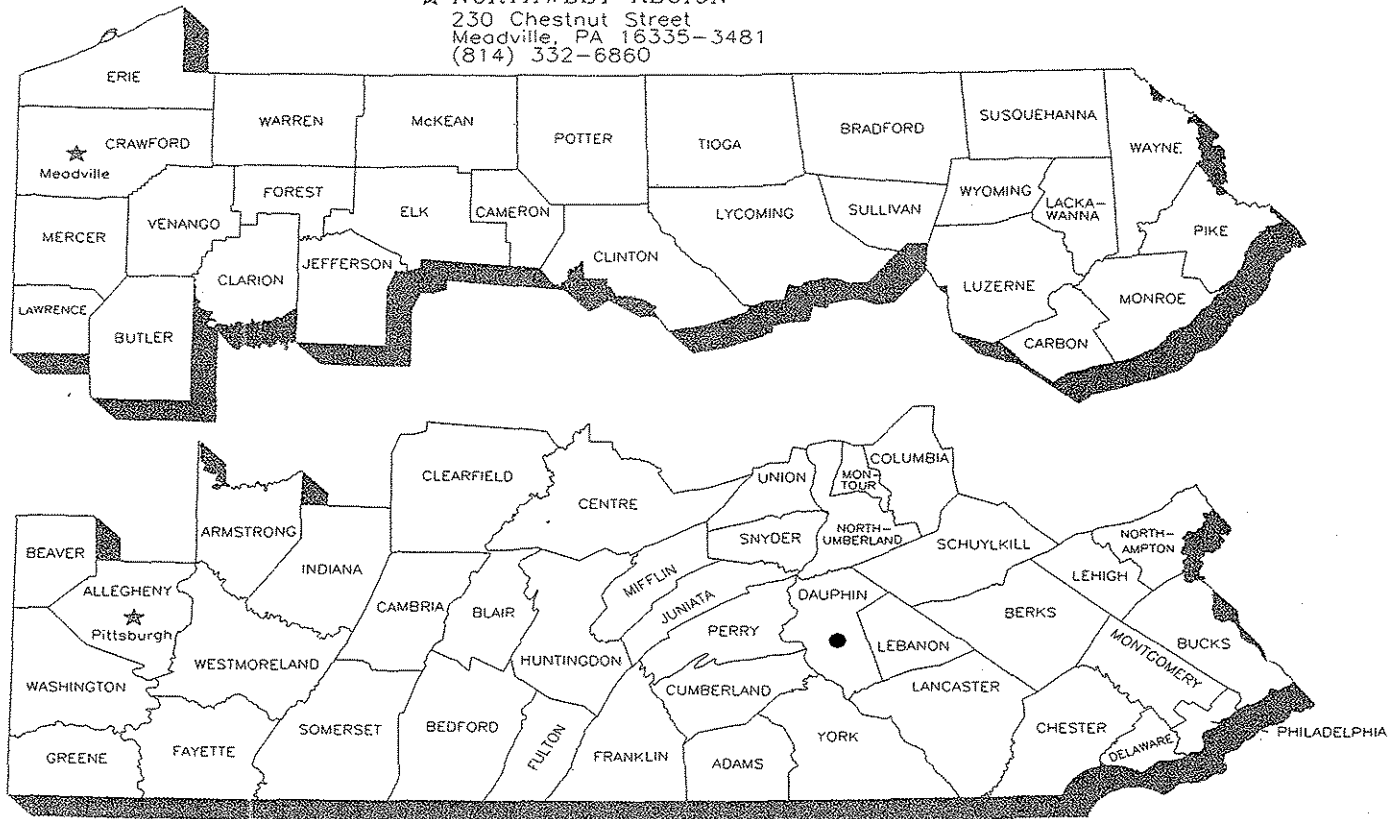
Dept. of Environmental Protection
NW Regional Office – Oil & Gas Mgmt
230 Chestnut Street
Meadville, PA 16335-3481
Phone: 814-332-6860 Fax: 814-332-6121

Dept. of Environmental Protection
SW Regional Office – Oil & Gas Mgmt
400 Waterfront Drive
Pittsburgh, PA 15222-4745
Phone: 412-442-4024 Fax: 412-442-4328



COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION OIL & GAS OFFICES

★ *NORTHWEST REGION*
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6860



★ *SOUTHWEST REGION*
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4024

● *CENTRAL OFFICE*
Bureau of Oil & Gas Mgmt.
PO Box 8765
Harrisburg, PA 17105-8765
(717) 772-2199

LEGEND: ★ REGIONAL OFFICES
● CENTRAL OFFICE

INSTRUCTIONS FOR PAGE 2 OF DEP FORM 5500-PM-OG0001

(Reverse side of page 2)

Fill in "Applicant Name" and "Farm Name - Well #" in the upper right corner of the form. Leave "Application Tracking #" blank.

Use this form to record and report the names and addresses of all interested parties that you are required to notify of this application. If you need more spaces for listings, use additional forms.

List these parties and send each one a copy of this application by certified mail:

- The surface landowner, addressed to the names and addresses of landowners as recorded by the county real estate tax office (see note below for state lands owned by DCNR).
- All surface landowners or water purveyors whose water supplies are within 1,000 feet of the proposed well location.
- The owners and lessees of all underlying workable coal seams.
- Every coal operator or (underground) mining permit holder, as required. This includes any coal operator with a permitted mine boundary within 1,000 feet of the proposed well location. (See instructions in the section titled **COORDINATION WITH REGULATIONS AND OTHER PERMITS**, about **Coal Mining And Coal Resources**).
- Gas storage operator, if the proposed well location is within a gas storage reservoir or reservoir protective area (nominally, within 2,000 feet of the perimeter of the storage area).

Notification if on DCNR lands:

If the landowner is the Commonwealth's Department of Conservation and Natural Resources, send the notice to:

PA DCNR
Bureau of Forestry, Minerals Section
PO Box 8552
Harrisburg, PA 17105-8552

Please do not send the notification to the local Forestry or Parks office of DCNR. This applies to all state lands under the control of the Department of Conservation and Natural Resources, such as state parks, state forests, undeveloped conservancies and wilderness areas. It does not apply for state lands controlled by other agencies such as the Game Commission, Fish & Boat Commission, Agriculture, Universities, etc.

Your mailing must include a copy of pages 1 and 2 of your application on form 5500-PM-OG0001, as well as the corresponding location plat on form 5500-PM-OG0002 (including additional list, if used).

Also, to landowners with water supplies and water supply purveyors within 1,000 feet, send the "Landowner Notification of Well Drilling or Alterations -- Water Supply Protection" (form 5500-FM-OG0052). This notice informs those with water supplies of their rights and options regarding a survey of their water supply prior to the proposed well activity, and the procedure to file written objections.

Any notified party can give written consent to this well location or proposed activity and waive the objection period, by signing the appropriate space on page 2. This signature would also serve as proof of notification.

If certified mail is returned as undeliverable, please submit a photocopy of the returned mailing envelope and certified mail card, as well as a completed affidavit attesting to attempted delivery. For your convenience, a blank affidavit form is available from DEP.