



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

5/9/08

## 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:*

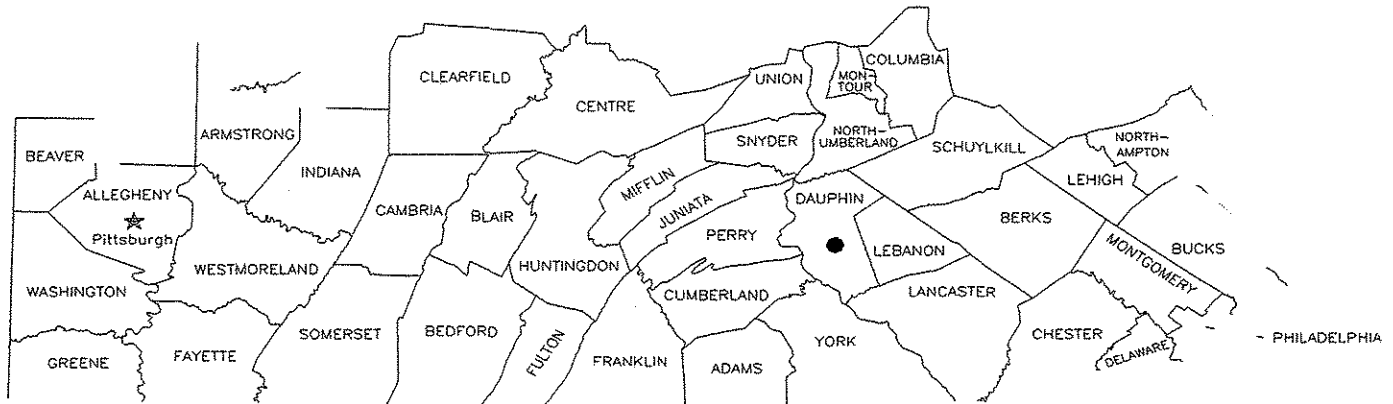
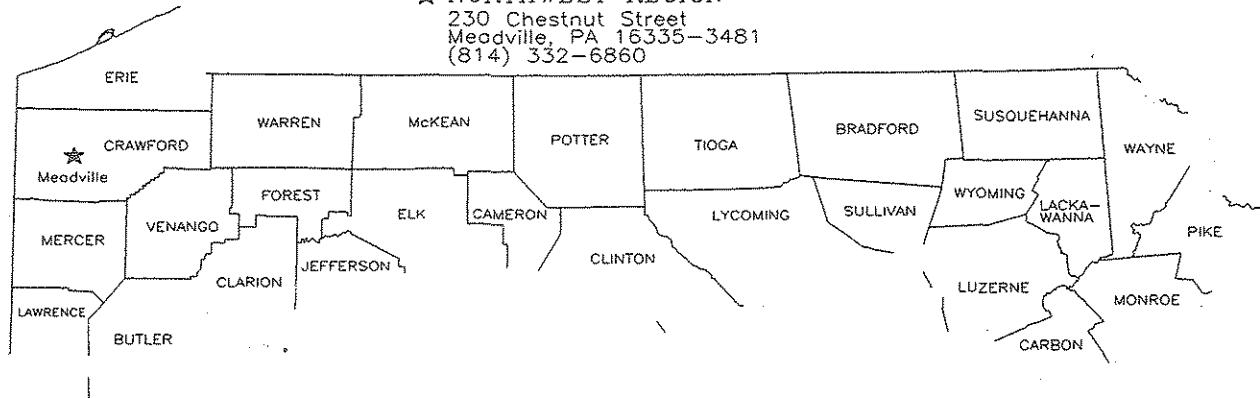
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# COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION OIL & GAS OFFICES

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| <p>LEGEND: ★ REGIONAL OFFICES<br/>● CENTRAL OFFICE</p> |
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