

HB 2076 -- Redline

Printer's No. PN3176 to Printer's No. PN3319 -- An Act providing for geothermal energy development; imposing duties on the Department of Environmental Protection; promulgating regulations; establishing the Geothermal Energy Development Fund; and imposing penalties.

Deletions ~~struck~~ · Insertions underlined

PRIOR PRINTER'S ~~NO.~~NOS.

~~2650~~2659, 3176 PRINTER'S NO.

~~3176~~3319 THE GENERAL ASSEMBLY OF PENNSYLVANIA HOUSE BILL Session of No.

WILLIAMS, FIEDLER, CONKLIN, WAXMAN, MERSKI, HILL-EVANS, FRANKEL, SANCHEZ, BOYD, STEELE, CIRESI, GREENGREEN, WEBSTER AND ~~WEBSTER, TAKAC.~~ DECEMBER 1, 2025 AS ~~REPORTED~~AMENDED ~~FROM COMMITTEE ON ENERGY, SECOND CONSIDERATION,~~ HOUSE OF REPRESENTATIVES, ~~AS AMENDED,~~ APRIL ~~13, 29,~~ 2026 AN ACT Providing for geothermal energy development;

promulgating ~~Fund,~~regulations;

establishing the Geothermal Energy Development Fund;

~~Geothermal~~Table ~~Energy of Development~~Contents ~~TABLE OF CONTENTS~~ Section 1.

~~SECTION~~Section 7.

~~ESTATE~~Estate ~~OWNER~~owner ~~OBJECTIONS~~objections ~~AND~~and ~~PROCEDURES,~~procedures.

~~Section 7~~ 8.

~~Section 8~~ 9.

~~Section 9~~ 10.

~~Section 10~~ 11.

~~Section 11~~ 12.

~~Section 12~~ 13.

~~Section 13~~ 14.

Existing rights and remedies preserved and ~~cumulative~~ remedies authorized.

Section ~~14~~-15.

~~Section 15~~ 16.

~~Section~~SECTION 17.

~~CONSTRUCTION.~~Construction.

~~Section 16~~ 18.

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

~~20250HB2076PN3176~~20250HB2076PN3319 - 2 - "Department." The Department of Environmental Protection of the Commonwealth.

"Fund." The Geothermal Energy Development Fund established under section ~~14(a)~~15(a). ~~15(A).~~

~~"Geothermal energy project." A project that involves the production or extraction of a geothermal resource from a geothermal system through one or more geothermal wells or repurposed wells.~~

and (10) any construction, site preparation, disposing of geothermal wastes or reclaiming activities associated with ~~20250HB2076PN3176~~20250HB2076PN3319 - 3 - the activities included in this term.

~~20250HB2076PN3176~~20250HB2076PN3319 - 4 - "Person." An individual, partnership, association, company, corporation, municipality, municipal authority, Federal or Commonwealth administrative agency or an entity that is recognized by law as the subject of rights and obligations.

"Surface property interest owner." A property interest owner identified by the records of the recorder of deeds for each county containing a portion of the proposed geothermal energy project who holds a fee simple interest or other freehold ~~20250HB2076PN3176~~20250HB2076PN3319 - 5 - interest in the surface of the property, which may include minerals, including coal, oil and gas rights or pore space rights for carbon or natural gas storage.

The ~~department~~Environmental Quality Board shall have the ~~powers~~power and ~~duties~~duty to ~~regulate~~promulgate ~~rules~~ geothermal energy projects and ~~the~~regulations ~~exploration, to development~~carry out production of geothermal wells on public and private land for the ~~purpose~~provisions of ~~facilitating this optimal~~act. ~~geothermal resource production while protecting public safety, the environment and natural resources.~~

~~THE ENVIRONMENTAL QUALITY BOARD SHALL HAVE THE POWER AND DUTY TO PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT.~~

(b) Conveyance.--Subject to any preexisting rights, a conveyance of the surface ownership of real property shall be a conveyance of the geothermal resources in all strata below the ~~20250HB2076PN3176~~ ~~6~~ surface of the real property unless the ownership interest in the geothermal resources previously has been expressly excepted and reserved, conveyed or otherwise severed from the surface ownership.

The ownership of geothermal resources in strata may be conveyed in the manner provided by law for the transfer of 20250HB2076PN3319 - 6 - real property interests.

~~---(a) Resource production.--Geothermal energy projects are authorized in this Commonwealth, including for the purposes of electricity production, heating and cooling.~~

~~TheTo Environmentaloperate 20250HB2076PN3176a -geothermal 7energy -project Qualityunder Board,this inact, consultationa withwell theoperator PennsylvaniaGeologicalobtain Survey,a may promulgate regulations if necessary to implement the provisions of this act and to facilitate optimal geothermal resourcewell productionpermit whileissued protectingby the Commonwealth'sdepartment.natural resources and public health, safety and welfare.~~

(b) Right to inspect.--Upon issuance of a permit to construct or operate a geothermal energy project, the department may enter onto private or public land, with proper 20250HB2076PN3319 - 7 - identification, to inspect any geothermal energy project to determine if the project is being constructed, operated or maintained in compliance with all applicable permits and environmental laws or to investigate any unreasonable risk to public health, property, natural resources or the environment.

(c) ~~ConditionsClass forV authorization.---Toinjection wells.---To~~ operate a geothermalClass energyV projectUnderground underInjection thisControl section,well for the purpose of producing geothermal resources, a well operator mustshall obtain a geothermalUIC wellClass permitV issuedpermit, or permit-by-rule status, and all other permits as required by theapplicable department.statutes and regulations.

~~The(d) followingOil shalland apply:gas well conversion.---Upon issuance of all necessary permits for a repurposed well, a person may repurpose an existing conventional or unconventional well, including an abandoned well, for the cogeneration of geothermal resources or geothermal energy with oil and gas production or the production or use of geothermal resources or geothermal energy for heating, cooling or electricity production, regardless of depth or temperature.~~

~~(1) The Environmentaldepartment Qualitymay Boardrevoke shalla promulgatepermit regulationsissued andunder permittingthis criteriasection necessaryif tothe protectdepartment thedetermines Commonwealth'sthat naturala resourceswell andoperator publicis health, knowingly safetyor andintentionally welfare, attempting to whichavoid the followingfulfillment shallof apply:obligations under 58 Pa.C.S.~~

~~(i) The regulations shall consider community impact analysis, including setback considerations, in permitting for geothermal energy projects.~~

~~(ii) The department may condition or deny a permit based on the criteria specified in the regulations.~~

~~(iii) The regulations shall include specific permitting criteria for repurposed wells and exploratory wells.~~

~~(2) In a decision to issue a final permit for a 20250HB2076PN3176 - 8 - geothermal well within a census tract with an environmental exposure score in the 80th percentile or greater using the PennEnviroScreen tool provided by the department, the department may require reasonable additional impact assessments, public participation, transparency and reporting measures as part of a permit review or approval.~~

~~(3) The department may charge a permit fee or periodic management fee sufficient to maintain oversight and enforcement for geothermal energy projects in this Commonwealth, not to exceed comparable fees set for the purpose of oil and gas production from an unconventional, conventional or carbon dioxide injection well, unless the department demonstrates that such fees are necessary to maintain oversight and enforcement based on specific well characteristics such as loop system type, type of energy generated and depth.~~

~~The fees collected under this paragraph shall be deposited into the fund.~~

~~(4) The department shall consider the establishment of an expedited permitting process for a person holding an existing well permit under 58 Pa.C.S.~~

~~Sec. 3211 (relating to well permits) to obtain a permit under this section.~~

~~(5) For geothermal energy projects stimulated by any form of hydraulic fracturing or repurposing of an existing well that involves hydraulic fracturing operations, the department shall consider the environmental risks and may instead require the operator to seek an unconventional well permit consistent with 58 Pa.C.S.~~

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~~B (relating to general requirements) or to comply with additional permit conditions consistent with section 6.~~

~~(6) Upon submission of a permit application, a well 20250HB2076PN3176 - 9 - operator shall provide notice of application to the surface property interest owners and subsurface property interest owners within a quarter mile of the well bore or other prescribed area of review of the geothermal operation as determined by the department.~~

~~(7) (i) To operate a geothermal energy project under this section, a well operator shall design the geothermal energy project as much as practicable to isolate any existing or future production from the commercially valuable material, including of the coal or oil and gas estate, from the subsurface~~

~~geothermal production area and shall indicate whether it contains commercially valuable mineral, including the coal or oil and gas estates and, if it does, a permit may be issued only if the department is satisfied that the interests of the mineral, including coal or oil and gas estate, will not be adversely affected and the subsurface property interest owners have been notified by the operator.~~

~~(ii) If a subsurface property interest owner is a producer of a commercially valuable mineral, including coal or oil and gas, the well operator shall notify the subsurface property interest owner in writing and submit a copy of the notice to the department.~~

~~If, upon receipt of the notice, the subsurface property interest owners express an objection to the department to the design of the geothermal energy project based on the potential adverse effect to a commercially valuable mineral, including the coal or oil and gas estate, the operator shall address the objection to the satisfaction of the department.~~

~~20250HB2076PN3176 - 10 - (iii) No right to action shall arise with respect to this paragraph if an operator addresses the objection under subparagraph (ii) to the satisfaction of the department in good faith.~~

~~(d) Dispute resolution. The department or any person having a direct interest in a matter subject to this act may, at any time, request that a conference be held to discuss and attempt to resolve by mutual agreement a matter arising under this act.~~

~~The following shall apply:~~

~~(1) Unless otherwise provided, conferences shall be held within 90 days after a request is received by the department and notice shall be given by the department to all interested parties.~~

~~(2) A representative of the department shall attend the conference and the department may make recommendations.~~

~~(3) An agreement reached at a conference shall be consistent with this act and, if approved by the department, the agreement shall be reduced to writing and shall be effective unless reviewed and rejected by the department within 10 days after the conference.~~

~~(4) The record of an agreement approved by the department shall be kept on file by the department and copies shall be furnished to the parties.~~

~~(5) The scheduling of a conference shall have no effect on the department's authority to issue orders to compel compliance with this act.~~

~~(e) Class V injection wells. To operate a Class V Underground Injection Control well for the purpose of producing geothermal resources, a well operator shall obtain a UIC Class V permit or permit-by-rule status and all other permits as 20250HB2076PN3176 - 11 - required by applicable statutes and regulations.~~

~~(f) Oil and gas well conversion. Upon issuance of all necessary permits for a repurposed well, a person may repurpose any existing conventional or unconventional well, including an abandoned well, for the cogeneration of geothermal resources or geothermal energy with oil and gas production or the production or use of geothermal resources or geothermal energy for heating, cooling or electricity production, regardless of depth or temperature.~~

~~The department may revoke an issued permit under this section if it has been determined that a well operator is knowingly or intentionally attempting to avoid the fulfillment of obligations under 58 Pa.C.S.~~

~~(g)(e) Exploratory wells. Upon issuance of a permit and by receiving permission from the surface department, property interest owner, a person or well operator may drill an exploratory well to identify potential viability for geothermal resource production below the surface of the real property.~~

~~The (a) Environmental Well Quality safety Board and shall, permit for requirements. For purposes the purpose of regulating protecting geothermal the wells Commonwealth's natural resources and geothermal public operations health, under safety this and act, welfare, the Environmental Quality Board 20250HB2076PN3319 - 8 - shall, in consultation with the Pennsylvania Geological Survey, promulgate regulations to:~~

~~(1) Establish siting, permitting design criteria and for other well technical operators, specifications including specific permitting criteria for repurposed wells and requirements exploratory wells.~~

~~(2) Determine Consider performance community criteria impact for analysis, repurposed including wells setback to considerations, prevent in delayed permitting well for plugging geothermal or energy improper projects, abandonment.~~

~~(3) Require Establish the siting, spacing, design drilling, casing, testing, operating, producing, plugging and decommissioning other of technical geothermal specifications wells and repurposed requirements wells to prevent.~~

~~(i)(4) geothermal Determine resources, performance water, criteria gases for or repurposed other wells 20250HB2076PN3176 to prevent 12 delayed well fluids plugging from or escaping improper into abandonment. strata other than where it is found, unless in accordance with a UIC Class V permit and approved by the department;~~

~~(ii)(5) pollution Require of the surface spacing, drilling, casing, testing, operating, producing, plugging~~

and groundwater, decommissioning including of wastewater geothermal management wells during and well repurposed development wells or to production; prevent:

(iii)(i) premature Geothermal cooling resources, of water, any gases geothermal or system other by fluids water from encroachment escaping or into strata other means than that where reduce it the is economic found, recovery unless of in the accordance geothermal with resources; a UIC Class V permit and approved by the department.

(iv)(ii) blowouts, Pollution explosions, of fires, surface cave-ins and seepage; groundwater, including wastewater management during well development or production.

(v)(iii) unreasonable Premature disturbance cooling or of injury any to geothermal surrounding system property, by existing water rights, encroachment public or health other and means that reduce the environment; economic recovery of the geothermal resources.

and (iv) (vi) Blowouts, orphaning explosions, or fires, abandoning cave-ins wells without proper site remediation and well seepage, plugging.

(4)(v) Establish Unreasonable a disturbance decommissioning or process injury for to plugging surrounding and property, abandoning existing a water geothermal rights, well, public repurposed health well and exploratory the well environment.

(5) 20250HB2076PN3319 Establish bonding or other (vi) financial Orphaning security or requirements abandoning for wells well without operators proper drilling site a remediation geothermal and well, repurposed well or plugging, exploratory well.

(6) Establish a decommissioning process for plugging and abandoning a geothermal well, repurposed well and exploratory well.

(7) Establish bonding or other financial security requirements for well operators drilling a geothermal well, repurposed well or exploratory well.

(ii) The well operator shall file cash or individual ~~20250HB2076PN3176 -- 13 --~~ bonds for each new geothermal well, repurposed well or exploratory well drilled and each abandoned well redrilled.

(iii) In lieu of separate well bonds, the well operator may file a blanket cash or individual bond in an amount determined by the department to cover the well operator's drilling, maintenance or plugging and decommissioning activities for wells in this Commonwealth.

(v) The surety may be relieved of all obligations when the covered well or wells have been properly 20250HB2076PN3319 - 10 - decommissioned or it has been replaced by another valid bond.

(vi) ~~No~~ A bond ~~shall~~ may not exceed a comparable bond set for an unconventional, conventional or carbon dioxide injection well unless the department demonstrates that the fees are necessary to maintain oversight and enforcement based on specific well characteristics.

~~(6)~~ (8) Determine criteria necessary to release bonding or other financial assurance.

~~(7)~~ (9) Establish reasonable fees, not to exceed comparable ~~fees~~ fees, set for unconventional, conventional or carbon dioxide injection wells unless the department demonstrates that the fees are necessary to maintain oversight and enforcement based on specific well ~~characteristics~~, characteristics to cover the costs incurred by the department to administer the provisions of this act.

~~(8)~~ (10) Establish a process to suspend operations, shut-in a ~~20250HB2076PN3176 -- 14 --~~ geothermal well or repurposed well and remove equipment from a well if the department has determined the well operator is in violation of any rules or regulations established under this act or other ~~environmental~~ laws of this Commonwealth.

~~(9)~~ (11) Determine well reporting, recordkeeping and other appropriate disclosure requirements for well operators to file with the department.

(i) ~~identification~~ Identification of the location and ownership of all wells and producing geothermal ~~leases~~, leases.

(ii) ~~filing~~ Filing a notice of intent to drill, redrill, deepen, permanently alter the casing of a well or abandon any well.

A notice of intent must be approved by the 20250HB2076PN3319 - 11 - department prior to commencement of ~~operations~~, operations.

(iii) ~~keeping~~ Keeping of well logs, including temperature and depth data, and filing accurate copies with the ~~department~~, department.

and (iv) ~~filing~~ Filing any other reasonable reports regarding geothermal operations in this Commonwealth.

~~(10)~~ (12) Determine criteria for geothermal wells or repurposed wells stimulated by any form of hydraulic fracturing, including any appropriate provisions or regulations under 58 Pa.C.S.

SECTION (b) 5. Permit denial.--The department may condition or deny a permit based on the criteria specified in the regulations promulgated by the Environmental Quality Board under this section.

AUTHORIZATION (c) OF well PROJECTS--impact review.--In a decision to issue a final permit for a geothermal well within a census tract with an environmental exposure score in the 80th percentile or greater using the PennEnviroScreen tool provided by the department, the department may require reasonable additional impact assessments, public participation, transparency and reporting measures as part of a permit review

or approval.

~~---(d) (A) Department RESOURCE fees.--The PRODUCTION,--GEOTHERMAL department ENERGY may PROJECTS charge ARE a AUTHORIZED permit in fee THIS or COMMONWEALTH, periodic INCLUDING management FOR fee THE sufficient PURPOSE to OF maintain ELECTRICITY oversight PRODUCTION, and HEATING enforcement AND for COOLING, geothermal energy projects in this Commonwealth, not to exceed comparable fees set for the purpose of oil and gas production from an unconventional, conventional or carbon dioxide injection well, unless the department demonstrates that 20250HB2076PN3319 - 12 - the fees are necessary to maintain oversight and enforcement based on specific well characteristics such as loop system type, type of energy generated and depth. TO The OPERATE fees A collected GEOTHERMAL under ENERGY this PROJECT subsection UNDER shall THIS be ACT, deposited A into WELL the OPERATOR fund. MUST 20250HB2076PN3176 -- 15 -- OBTAIN A GEOTHERMAL WELL PERMIT ISSUED BY THE DEPARTMENT.~~

~~(B) (e) RIGHT Expedited TO permits.--The INSPECT,--UPON department ISSUANCE shall OF consider A the PERMIT establishment TO of CONSTRUCT an OR expedited OPERATE permitting A process GEOTHERMAL for ENERGY a PROJECT, person THE holding DEPARTMENT an MAY existing ENTER well ON TO permit PRIVATE under OR 58 PUBLIC Pa.C.S.. LAND, WITH PROPER IDENTIFICATION, TO INSPECT A GEOTHERMAL ENERGY PROJECT TO DETERMINE IF THE PROJECT IS BEING CONSTRUCTED, OPERATED OR MAINTAINED IN COMPLIANCE WITH ALL APPLICABLE PERMITS AND ENVIRONMENTAL LAWS OR TO INVESTIGATE ANY UNREASONABLE RISK TO PUBLIC HEALTH, PROPERTY, NATURAL RESOURCES OR THE ENVIRONMENT.~~

~~(C) Sec. CLASS 3211 V (relating INJECTION to WELLS,--TO well OPERATE permits) A to CLASS obtain V a UNDERGROUND permit INJECTION under CONTROL this WELL section. FOR THE PURPOSE OF PRODUCING GEOTHERMAL RESOURCES, A WELL OPERATOR SHALL OBTAIN A UIC CLASS V PERMIT, OR PERMIT BY RULE STATUS, AND ALL OTHER PERMITS AS REQUIRED BY APPLICABLE STATUTES AND REGULATIONS.~~

~~(D) (f) OIL Hydraulic AND fracturing.--For GAS geothermal WELL energy CONVERSION,--UPON projects ISSUANCE stimulated OF by ALL any NECESSARY form PERMITS of FOR hydraulic A fracturing REPURPOSED or WELL, repurposing A of PERSON an MAY existing REPURPOSE well AN that EXISTING involves CONVENTIONAL hydraulic OR fracturing UNCONVENTIONAL operations, WELL, the INCLUDING department AN shall ABANDONED consider WELL, the FOR environmental THE risks COGENERATION and OF may GEOTHERMAL instead RESOURCES require OR the GEOTHERMAL well ENERGY operator WITH to OIL seek AND an GAS unconventional PRODUCTION well OR permit THE under PRODUCTION 58 OR Pa.C.S. USE OF GEOTHERMAL RESOURCES OR GEOTHERMAL ENERGY FOR HEATING, COOLING OR ELECTRICITY PRODUCTION, REGARDLESS OF DEPTH OR TEMPERATURE.~~

~~THE Ch. DEPARTMENT MAY REVOKE A PERMIT ISSUED UNDER THIS SECTION IF THE DEPARTMENT DETERMINES THAT A WELL OPERATOR IS KNOWINGLY OR INTENTIONALLY ATTEMPTING TO AVOID THE FULFILLMENT OF OBLIGATIONS UNDER 58 PA.C.S.~~

~~Sec. 32 3220 Subch. (RELATING TO PLUGGING REQUIREMENTS).~~

~~(E) B EXPLORATORY or WELLS.--UPON TO ISSUANCE comply OF with A additional PERMIT permit BY conditions THE consistent DEPARTMENT, with A subsection PERSON (a). MAY DRILL AN EXPLORATORY WELL TO IDENTIFY POTENTIAL VIABILITY FOR GEOTHERMAL RESOURCE PRODUCTION BELOW THE SURFACE OF THE REAL PROPERTY.~~

~~20250HB2076PN3176 Section -7.-16-- SECTION 6.~~

~~REGULATIONS, Estate owner objections and procedures.~~

~~(A) (a) WELL Notice.--Upon SAFETY submission AND of PERMIT a REQUIREMENTS,--FOR permit THE application, PURPOSE a OF well PROTECTING <-- THE operator COMMONWEALTH'S shall NATURAL provide RESOURCES notice AND of PUBLIC application HEALTH, to SAFETY the AND surface WELFARE, property THE interest ENVIRONMENTAL owners QUALITY within BOARD 1,500 SHALL feet IN of CONSULTATION the WITH well THE bore. PENNSYLVANIA GEOLOGICAL SURVEY, PROMULGATE REGULATIONS TO:~~

~~(1) (A) ESTABLISH NOTICE.--UPON PERMITTING SUBMISSION CRITERIA OF FOR A PERMIT APPLICATION, A WELL OPERATORS, <-- INCLUDING OPERATOR SPECIFIC SHALL PERMITTING PROVIDE CRITERIA NOTICE FOR OF REPURPOSED APPLICATION WELLS TO THE SURFACE PROPERTY INTEREST OWNERS WITHIN 1,500 FEET OF THE WELL BORE AND EXPLORATORY SUBMIT WELLS. A COPY OF THE NOTICE TO THE DEPARTMENT.~~

~~(2) IF, CONSIDER UPON COMMUNITY RECEIPT IMPACT OF ANALYSIS, THE INCLUDING NOTICE, SETBACK THE CONSIDERATIONS, SURFACE IN PROPERTY PERMITTING INTEREST FOR OWNERS EXPRESS AN OBJECTION TO THE DEPARTMENT TO THE DESIGN OF THE GEOTHERMAL ENERGY PROJECTS, PROJECT BASED ON THE POTENTIAL ADVERSE EFFECT TO A COMMERCIALY VALUABLE MINERAL, INCLUDING THE COAL OR OIL AND GAS ESTATE, THE WELL OPERATOR SHALL ADDRESS THE OBJECTION TO THE SATISFACTION OF THE DEPARTMENT.~~

~~(3) 20250HB2076PN3319 ESTABLISH- SITING, 13 DESIGN- AND (b) OTHER Well TECHNICAL design.--To SPECIFICATIONS operate AND a REQUIREMENTS, geothermal energy project under this section, a well operator shall design the geothermal energy project as much as practicable to isolate any existing or future production from the commercially valuable material, including of the coal or oil and gas estate, from the subsurface geothermal production area and shall indicate whether a geothermal energy project contains commercially valuable mineral, including the coal or oil and gas estates and, if it does, a permit may be issued only if the department is satisfied that the interests of the mineral, including coal or oil and gas estate, will not be adversely affected and the subsurface property interest owners have been notified by the well operator.~~

~~(4) (c) DETERMINE Objections.--If PERFORMANCE a CRITERIA subsurface FOR property REPURPOSED interest~~

~~WELL~~owner ~~to~~is ~~PREVENT~~a ~~DELAYED~~producer ~~WELL~~of ~~PLUGGING~~a ~~OR~~commercially ~~IMPROPER~~valuable ~~ABANDONMENT~~, mineral, including coal or oil and gas, the well operator shall notify the subsurface property interest owner in writing and submit a copy of the notice to the department.

~~(5) If, REQUIRE upon THE receipt SPACING, of DRILLING, the CASING, notice, TESTING, the OPERATING, subsurface PRODUCING, property PLUGGING interest AND owners DECOMMISSIONING express OF an GEOTHERMAL objection WELL to AND the REPURPOSED department WELLS to TO the PREVENT: design of the geothermal energy project based on the potential adverse effect to a commercially valuable mineral, including the coal or oil and gas estate, the well operator shall address the objection to the satisfaction of the department.~~

~~(I) (d) GEOTHERMAL Right RESOURCES, to WATER, action GASES prohibited.-- OR (1) OTHER No FLUIDS right FROM to ESCAPING action INTO shall STRATA arise OTHER with THAN respect WHERE to IT this IS section FOUND, if UNLESS a IN well ACCORDANCE operator WITH addresses A the UIC objection CLASS under V subsection PERMIT (c) AND to APPROVED the BY satisfaction THE of DEPARTMENT, the department in good faith.~~

~~(II) (2) POLLUTION A OF determination SURFACE by AND the GROUNDWATER, department INCLUDING that WASTEWATER the MANAGEMENT operator DURING 20250HB2076PN3319 WELL- DEVELOPMENT 14 OR- PRODUCTION, has satisfactorily addressed the objection shall be a departmental action appealable by the subsurface property interest owner who has raised the objection to the Environmental Hearing Board, as provided under section 4 of the act of July 13, 1988 (P.L.530, No.94), known as the Environmental Hearing Board Act.~~

~~(III) The PREMATURE appeal COOLING must OF be ANY filed GEOTHERMAL in SYSTEM accordance BY with WATER the ENCROACHMENT rules OR for OTHER filing MEANS an THAT appeal REDUCE of THE a ECONOMIC final RECOVERY agency OF action THE with GEOTHERMAL the RESOURCES, Environmental Hearing Board and no later than 30 days following receipt of notice that the objection has been satisfied.~~

~~(IV) (e) BLOWOUTS, Dispute EXPLOSIONS, resolution.-- The FIRES, department, CAVE-INS or AND any 20250HB2076PN3176 person -having 17a -direct SEEPAGE- interest in a matter subject to this act, may, at any time, request that a conference be held to discuss and attempt to resolve by mutual agreement a matter arising under this act.~~

~~(V) The UNREASONABLE following DISTURBANCES shall OR apply: INJURY TO SURROUNDING PROPERTY, EXISTING WATER RIGHTS, PUBLIC HEALTH AND THE ENVIRONMENT.~~

~~(VI) (1) OR PHANING Unless OR otherwise ABANDONING provided, WELLS conferences WITHOUT shall PROPER be SITE held REMEDIATION within AND 90 WELL days PLUGGING- after a request is received by the department and notice shall be given by the department to all interested parties.~~

~~(6) (2) ESTABLISH A DECOMMISSIONING representative PROCESS of FOR the PLUGGING department AND shall ABANDONING attend A the GEOTHERMAL conference WELL, and REPURPOSED the WELL department AND may EXPLORATORY make WELL recommendations.~~

~~(7) (3) ESTABLISH AN BONDING agreement OR reached OTHER at FINANCIAL a SECURITY conference REQUIREMENTS shall FOR be WELL consistent OPERATORS with DRILLING this A act GEOTHERMAL and, WELL, if REPURPOSED approved WELL by OR the EXPLORATORY department, WELL, the agreement shall be reduced to writing and shall be effective unless reviewed and rejected by the department within 10 days after the conference.~~

~~THE (4) FOLLOWING The SHALL record APPLY: of an agreement approved by the department shall be kept on file by the department and copies shall be furnished to the parties.~~

~~(I) (5) REGARDLESS The OF scheduling THE of WELL a DEPTH conference OR shall DRILLING have TECHNIQUE, no THE effect DEPARTMENT 20250HB2076PN3319 SHALL- HAVE 15 THE- AUTHORITY on TO the SET department's BONDING authority OR to OTHER issue FINANCIAL orders SECURITY to REQUIREMENTS compel IN compliance AMOUNTS with DEEMED this APPROPRIATE act. BY THE DEPARTMENT TO REMEDIATE THE WELLS AND PROTECT THE ENVIRONMENT, PUBLIC HEALTH AND SAFETY.~~

~~(II) Section THE 8.- WELL OPERATOR SHALL FILE CASH OR INDIVIDUAL BONDS FOR EACH NEW GEOTHERMAL WELL, REPURPOSED WELL OR EXPLORATORY WELL DRILLED AND EACH ABANDONED WELL REDRILLED.~~

~~(III) IN LIEU OF SEPARATE WELL BONDS, THE WELL OPERATOR MAY FILE A BLANKET CASH OR INDIVIDUAL BOND IN AN AMOUNT DETERMINED BY THE DEPARTMENT TO COVER THE WELL OPERATOR'S DRILLING, MAINTENANCE OR PLUGGING AND DECOMMISSIONING ACTIVITIES FOR WELLS IN THIS COMMONWEALTH.~~

~~(IV) ANY BOND OR OTHER FINANCIAL SECURITY FILED WITH 20250HB2076PN3176 - 18 - THE DEPARTMENT MAY BE TERMINATED OR CANCELED WITH THE CONSENT OF THE DEPARTMENT.~~

~~(V) THE SURETY MAY BE RELIEVED OF ALL OBLIGATIONS WHEN THE COVERED WELL OR WELLS HAVE BEEN PROPERLY DECOMMISSIONED OR IT HAS BEEN REPLACED BY ANOTHER VALID BOND.~~

~~(VI) A BOND MAY NOT EXCEED A COMPARABLE BOND SET FOR AN UNCONVENTIONAL, CONVENTIONAL OR CARBON DIOXIDE INJECTION WELL UNLESS THE DEPARTMENT DEMONSTRATES THAT THE FEES ARE NECESSARY TO MAINTAIN OVERSIGHT AND ENFORCEMENT BASED ON SPECIFIC WELL CHARACTERISTICS.~~

~~(8) DETERMINE CRITERIA NECESSARY TO RELEASE BONDING OR OTHER FINANCIAL ASSURANCE.~~

~~(9) ESTABLISH REASONABLE FEES, NOT TO EXCEED COMPARABLE FEES, SET FOR UNCONVENTIONAL, CONVENTIONAL OR CARBON DIOXIDE INJECTION WELLS UNLESS THE DEPARTMENT DEMONSTRATES THAT THE FEES ARE NECESSARY TO MAINTAIN OVERSIGHT AND ENFORCEMENT BASED ON SPECIFIC WELL CHARACTERISTICS TO COVER THE COSTS INCURRED BY THE DEPARTMENT TO ADMINISTER THE PROVISIONS OF THIS ACT.~~

~~(10) ESTABLISH A PROCESS TO SUSPEND OPERATIONS, SHUT-IN A GEOTHERMAL WELL OR REPURPOSED WELL AND REMOVE~~

~~EQUIPMENT FROM A WELL IF THE DEPARTMENT HAS DETERMINED THE WELL OPERATOR IS IN VIOLATION OF ANY RULES OR REGULATIONS ESTABLISHED UNDER THIS ACT OR OTHER LAWS OF THIS COMMONWEALTH.~~

~~(11) DETERMINE WELL REPORTING, RECORDKEEPING AND OTHER APPROPRIATE DISCLOSURE REQUIREMENTS FOR WELL OPERATORS TO FILE WITH THE DEPARTMENT.~~

~~THE DEPARTMENT SHALL REQUIRE:~~

~~(I) IDENTIFICATION OF THE LOCATION AND OWNERSHIP OF 20250HB2076PN3176 -- 10 -- ALL WELLS AND PRODUCING GEOTHERMAL LEASES.~~

~~(II) FILING A NOTICE OF INTENT TO DRILL, REDRILL, DEEPEN, PERMANENTLY ALTER THE CASING OF A WELL OR ABANDON ANY WELL.~~

~~A NOTICE OF INTENT MUST BE APPROVED BY THE DEPARTMENT PRIOR TO COMMENCEMENT OF OPERATIONS.~~

~~(III) KEEPING OF WELL LOGS, INCLUDING TEMPERATURE AND DEPTH DATA, AND FILING ACCURATE COPIES WITH THE DEPARTMENT.~~

~~(IV) FILING ANY OTHER REASONABLE REPORTS REGARDING GEOTHERMAL OPERATIONS IN THIS COMMONWEALTH.~~

~~(12) DETERMINE CRITERIA FOR GEOTHERMAL WELLS OR REPURPOSED WELLS STIMULATED BY ANY FORM OF HYDRAULIC FRACTURING, INCLUDING ANY APPROPRIATE PROVISIONS OR REGULATIONS UNDER 58 PA.C.S.~~

~~CH.~~

~~32 SUBCH.~~

~~B (RELATING TO GENERAL REQUIREMENTS), IF THE DEPARTMENT DETERMINES IT IS NECESSARY TO PREVENT GROUNDWATER CONTAMINATION OR OTHER ENVIRONMENTAL HARMS.~~

~~(B) PERMIT DENIAL.--THE DEPARTMENT MAY CONDITION OR DENY A PERMIT BASED ON THE CRITERIA SPECIFIED IN THE REGULATIONS PROMULGATED BY THE ENVIRONMENTAL QUALITY BOARD UNDER THIS SECTION.~~

~~(C) WELL IMPACT REVIEW.--IN A DECISION TO ISSUE A FINAL PERMIT FOR A GEOTHERMAL WELL WITHIN A CENSUS TRACT WITH AN ENVIRONMENTAL EXPOSURE SCORE IN THE 80TH PERCENTILE OR GREATER USING THE PENNENVIROSCREEN TOOL PROVIDED BY THE DEPARTMENT, THE DEPARTMENT MAY REQUIRE REASONABLE ADDITIONAL IMPACT ASSESSMENTS, PUBLIC PARTICIPATION, TRANSPARENCY AND REPORTING MEASURES AS PART OF A PERMIT REVIEW OR APPROVAL.~~

~~(D) DEPARTMENT FEES.--THE DEPARTMENT MAY CHARGE A PERMIT FEE OR PERIODIC MANAGEMENT FEE SUFFICIENT TO MAINTAIN OVERSIGHT AND 20250HB2076PN3176 -- 20 -- ENFORCEMENT FOR GEOTHERMAL ENERGY PROJECTS IN THIS COMMONWEALTH, NOT TO EXCEED COMPARABLE FEES SET FOR THE PURPOSE OF OIL AND GAS PRODUCTION FROM AN UNCONVENTIONAL, CONVENTIONAL OR CARBON DIOXIDE INJECTION WELL, UNLESS THE DEPARTMENT DEMONSTRATES THAT THE FEES ARE NECESSARY TO MAINTAIN OVERSIGHT AND ENFORCEMENT BASED ON SPECIFIC WELL CHARACTERISTICS SUCH AS LOOP SYSTEM TYPE, TYPE OF ENERGY GENERATED AND DEPTH.~~

~~THE FEES COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED INTO THE FUND.~~

~~(E) EXPEDITED PERMITS.--THE DEPARTMENT SHALL CONSIDER THE ESTABLISHMENT OF AN EXPEDITED PERMITTING PROCESS FOR A PERSON HOLDING AN EXISTING WELL PERMIT UNDER 58 PA.C.S.~~

~~Sec. 3211 (RELATING TO WELL PERMITS) TO OBTAIN A PERMIT UNDER THIS SECTION.~~

~~(F) HYDRAULIC FRACTURING.--FOR GEOTHERMAL ENERGY PROJECTS STIMULATED BY ANY FORM OF HYDRAULIC FRACTURING OR REPURPOSING OF AN EXISTING WELL THAT INVOLVES HYDRAULIC FRACTURING OPERATIONS, THE DEPARTMENT SHALL CONSIDER THE ENVIRONMENTAL RISKS AND MAY INSTEAD REQUIRE THE WELL OPERATOR TO SEEK AN UNCONVENTIONAL WELL PERMIT UNDER 58 PA.C.S.~~

~~CH.~~

~~32 SUBCH.~~

~~B OR TO COMPLY WITH ADDITIONAL PERMIT CONDITIONS CONSISTENT WITH SUBSECTION (A).~~

~~SECTION 7.~~

~~ESTATE OWNER OBJECTIONS AND PROCEDURES.~~

~~(A) NOTICE.--UPON SUBMISSION OF A PERMIT APPLICATION, A WELL OPERATOR SHALL PROVIDE NOTICE OF APPLICATION TO THE SURFACE PROPERTY INTEREST OWNERS WITHIN 1,500 FEET OF THE WELL BORE.~~

~~(B) WELL DESIGN.--TO OPERATE A GEOTHERMAL ENERGY PROJECT UNDER THIS SECTION, A WELL OPERATOR SHALL DESIGN THE GEOTHERMAL ENERGY PROJECT AS MUCH AS PRACTICABLE TO ISOLATE ANY EXISTING OR FUTURE PRODUCTION FROM THE COMMERCIALLY VALUABLE MATERIAL, INCLUDING OF THE COAL OR OIL AND GAS ESTATE, FROM THE SUBSURFACE GEOTHERMAL PRODUCTION AREA AND SHALL INDICATE WHETHER A 20250HB2076PN3176 -- 21 -- GEOTHERMAL ENERGY PROJECT CONTAINS COMMERCIALLY VALUABLE MINERAL, INCLUDING THE COAL OR OIL AND GAS ESTATES AND, IF IT DOES, A PERMIT MAY BE ISSUED ONLY IF THE DEPARTMENT IS SATISFIED THAT THE INTERESTS OF THE MINERAL, INCLUDING COAL OR OIL AND GAS ESTATE, WILL NOT BE ADVERSELY AFFECTED AND THE SUBSURFACE PROPERTY INTEREST OWNERS HAVE BEEN NOTIFIED BY THE WELL OPERATOR.~~

~~(C) OBJECTIONS.--IF A SUBSURFACE PROPERTY INTEREST OWNER IS A PRODUCER OF A COMMERCIALLY VALUABLE MINERAL, INCLUDING COAL OR OIL AND GAS, THE WELL OPERATOR SHALL NOTIFY THE SUBSURFACE PROPERTY INTEREST OWNER IN WRITING AND SUBMIT A COPY OF THE NOTICE TO THE DEPARTMENT.~~

~~IF, UPON RECEIPT OF THE NOTICE, THE SUBSURFACE PROPERTY INTEREST OWNERS EXPRESS AN OBJECTION TO THE DEPARTMENT TO THE DESIGN OF THE GEOTHERMAL ENERGY PROJECT BASED ON THE POTENTIAL ADVERSE EFFECT TO A COMMERCIALLY VALUABLE MINERAL, INCLUDING THE COAL OR OIL AND GAS ESTATE, THE WELL OPERATOR SHALL ADDRESS~~

~~THE OBJECTION TO THE SATISFACTION OF THE DEPARTMENT.~~

~~(D) RIGHT TO ACTION PROHIBITED.-- (1) NO RIGHT TO ACTION SHALL ARISE WITH RESPECT TO THIS SECTION IF A WELL OPERATOR ADDRESSES THE OBJECTION UNDER SUBSECTION (C) TO THE SATISFACTION OF THE DEPARTMENT IN GOOD FAITH.~~

~~(2) A DETERMINATION BY THE DEPARTMENT THAT THE OPERATOR HAS SATISFACTORILY ADDRESSED THE OBJECTION SHALL BE A DEPARTMENTAL ACTION APPEALABLE BY THE SUBSURFACE PROPERTY INTEREST OWNER WHO HAS RAISED THE OBJECTION TO THE ENVIRONMENTAL HEARING BOARD, AS PROVIDED UNDER SECTION 4 OF THE ACT OF JULY 13, 1988 (P.L.530, NO.94), KNOWN AS THE ENVIRONMENTAL HEARING BOARD ACT.~~

~~THE APPEAL MUST BE FILED IN 20250HB2076PN3176 - 22 - ACCORDANCE WITH THE RULES FOR FILING AN APPEAL OF A FINAL AGENCY ACTION WITH THE ENVIRONMENTAL HEARING BOARD AND NO LATER THAN 30 DAYS FOLLOWING RECEIPT OF NOTICE THAT THE OBJECTION HAS BEEN SATISFIED.~~

~~(E) DISPUTE RESOLUTION.-- THE DEPARTMENT, OR ANY PERSON HAVING A DIRECT INTEREST IN A MATTER SUBJECT TO THIS ACT, MAY, AT ANY TIME, REQUEST THAT A CONFERENCE BE HELD TO DISCUSS AND ATTEMPT TO RESOLVE BY MUTUAL AGREEMENT A MATTER ARISING UNDER THIS ACT.~~

~~THE FOLLOWING SHALL APPLY:~~

~~(1) UNLESS OTHERWISE PROVIDED, CONFERENCES SHALL BE HELD WITHIN 90 DAYS AFTER A REQUEST IS RECEIVED BY THE DEPARTMENT AND NOTICE SHALL BE GIVEN BY THE DEPARTMENT TO ALL INTERESTED PARTIES.~~

~~(2) A REPRESENTATIVE OF THE DEPARTMENT SHALL ATTEND THE CONFERENCE AND THE DEPARTMENT MAY MAKE RECOMMENDATIONS.~~

~~(3) AN AGREEMENT REACHED AT A CONFERENCE SHALL BE CONSISTENT WITH THIS ACT AND, IF APPROVED BY THE DEPARTMENT, THE AGREEMENT SHALL BE REDUCED TO WRITING AND SHALL BE EFFECTIVE UNLESS REVIEWED AND REJECTED BY THE DEPARTMENT WITHIN 10 DAYS AFTER THE CONFERENCE.~~

~~(4) THE RECORD OF AN AGREEMENT APPROVED BY THE DEPARTMENT SHALL BE KEPT ON FILE BY THE DEPARTMENT AND COPIES SHALL BE FURNISHED TO THE PARTIES.~~

~~(5) THE SCHEDULING OF A CONFERENCE SHALL HAVE NO EFFECT ON THE DEPARTMENT'S AUTHORITY TO ISSUE ORDERS TO COMPEL COMPLIANCE WITH THIS ACT.~~

~~Section 7-8.~~

~~---The Environmental Quality Board may promulgate rules and regulations to establish geothermal resource units applicable to geothermal resources.~~

~~When promulgating regulations, the 20250HB2076PN3176 - 23 - department may:~~

~~Section 8-9.~~

~~---A well operator or individual drilling an exploratory well shall be liable to any person or agency that sustains damages from failure of the operator or individual to comply with any of the following:~~

~~(1) A permit condition providedimposed under sectionthis 5(c)act. --- IMPOSED UNDER THIS ACT.~~

~~(2) Any rules or regulations established by the Environmental Quality Board under this act.~~

~~Section 9-10.~~

~~---A violation of this act or an order or regulation under this act constitutes a public nuisance.~~

~~Section 10-11.~~

~~---20250HB2076PN3319 - 16 - (a) Issuance of orders.--Except as modified by subsections (b), (c) and (d), the department may issue orders necessary to prevent or restrain a violation of this act or rules, regulations, standards, orders or permits adopted or issued under this act or to restrain the maintenance or threat of a 20250HB2076PN3176 - 24 - public nuisance or to prevent a reasonable likelihood of unlawful conduct or conduct causing immediate and irreparable harm to the public.~~

~~20250HB2076PN3319 - 17 - (3) The department may revoke a well permit for any well suspended under paragraph (1) if the violation is egregious, repeated or impossible to resolve or if the permittee is unable to comply with the steps necessary to resolve the violation.~~

~~20250HB2076PN3176 - 25 - (c) Written notice.--Prior to a suspension or revocation order of a well permit under subsection (a), the department shall serve written notice on the well operator or its agent, stating specifically the statutory provision, regulation or other reason relied upon, along with factual circumstances surrounding the alleged violation.~~

~~Section 11-12.~~

~~---(a) Remedies.-- (1) In addition to any other remedy provided in this act, the department may institute a suit in equity in the name of the Commonwealth for an injunction to restrain a violation of this act or rules, regulations, standards or orders adopted or issued under this act and to restrain the maintenance or threat of a public nuisance.~~

~~(2) Upon motion of the Commonwealth, the court shall 20250HB2076PN3319 - 18 - issue a prohibitory or mandatory preliminary injunction if the court finds that the defendant is engaging in unlawful conduct, as defined by this act, or conduct causing immediate and irreparable harm to the public.~~

~~(3) The Commonwealth shall not be required to furnish 20250HB2076PN3176 - 26 - bond or other security in connection with the proceeding.~~

Section ~~12~~-13.

~~---~~In addition to other remedies available at law or in equity for a violation of this act, a regulation of the department, a departmental order or a permit condition, the department may assess a civil penalty regardless of whether the violation was willful.

(1) The penalty shall not exceed \$50,000 plus \$2,000 for 20250HB2076PN3319 - 19 - each day during which time the violation continues.

(2) In determining the amount, the department shall consider willfulness of the violation, damage or injury to natural resources of this Commonwealth or their uses, endangerment of safety of others, the cost of remedying the ~~20250HB2076PN3176 - 27 -~~ harm, savings resulting to the violator as a result of the violation and any other relevant factor.

(9) Each prothonotary shall enter and docket the liens 20250HB2076PN3319 - 20 - of record in the prothonotary's office and index them as judgments are indexed, without requiring payment of costs as a condition precedent to entry.

Section ~~13~~-14.

Existing rights and remedies preserved and ~~---~~cumulative remedies authorized.

~~20250HB2076PN3176 - 28 -~~ Nothing in this act prohibits the Commonwealth or a district attorney from proceeding in a court of law or in equity to abate pollution forbidden under this act or a nuisance under existing law.

Section ~~14~~-15.

~~---~~(a) Establishment.--The Geothermal Energy Development Fund is established as a separate fund within the State Treasury.

20250HB2076PN3319 - 21 - (2) defraying the department's expenses associated with processing permit applications;

~~20250HB2076PN3176 - 29 -~~ (d) Interest.--Interest earned by the fund shall be deposited into the fund.

Section ~~15~~-16.

~~---~~Until the Environmental Quality Board promulgates regulations in accordance with section 6 of this act or December 31, 2030, whichever is earlier, the department:

32 as either conventional or unconventional wells, as the department determines to be appropriate, notwithstanding that the department shall require any geothermal well stimulated 20250HB2076PN3319 - 22 - by hydraulic fracturing to seek an unconventional well permit under 58 Pa.C.S.

32 to comply with modified permit conditions to reflect the ~~20250HB2076PN3176 - 30 -~~ differences between geothermal wells and oil and gas wells.

~~SECTION~~Section 17.

~~CONSTRUCTION~~Construction.

~~---~~Nothing ~~NOTHING~~ ~~in~~ ~~IN~~ ~~this~~ ~~THIS~~ ~~act~~ ~~ACT~~ ~~shall~~ ~~SHALL~~ ~~be~~ ~~BE~~ ~~construed~~ ~~CONSTRUED~~ ~~to~~ ~~TO~~ ~~amend~~ ~~AMEND~~ ~~or~~ ~~OR~~ ~~modify~~ ~~MODIFY~~ ~~the~~ ~~THE~~ ~~provisions~~ ~~PROVISIONS~~ ~~or~~ ~~OR~~ ~~regulations~~ ~~REGULATIONS~~ ~~promulgated~~ ~~PROMULGATED~~ ~~under~~ ~~UNDER~~ 58 Pa.C.S. Pa.C.S.

~~CH.~~Ch.

32 ~~(RELATING~~ (relating ~~TO~~ to ~~DEVELOPMENT)~~ development).

Section ~~16~~-18.

~~---~~This act shall take effect immediately.

~~20250HB2076PN3176~~20250HB2076PN3319 - 31~~23 -~~