

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1966 Session of
1993

INTRODUCED BY STERN, FICHTER, REBER, MILLER, CLARK, KENNEY,
TRUE, ROHRER, DEMPSEY, JADLOWIEC, ZUG, M. N. WRIGHT, BARLEY,
WAUGH, S. H. SMITH, HESS, HERSHEY, LAUB, E. Z. TAYLOR,
CLYMER, FARGO, CIVERA, BROWN, LYNCH, HANNA, SCHEETZ, GEIST,
HUTCHINSON, HALUSKA AND HENNESSEY, JUNE 28, 1993

REFERRED TO COMMITTEE ON CONSERVATION, JUNE 28, 1993

AN ACT

1 Amending the act of June 22, 1937 (P.L.1987, No.394), entitled,
2 as amended, "An act to preserve and improve the purity of the
3 waters of the Commonwealth for the protection of public
4 health, animal and aquatic life, and for industrial
5 consumption, and recreation; empowering and directing the
6 creation of indebtedness or the issuing of non-debt revenue
7 bonds by political subdivisions to provide works to abate
8 pollution; providing protection of water supply and water
9 quality; providing for the jurisdiction of courts in the
10 enforcement thereof; providing additional remedies for
11 abating pollution of waters; imposing certain penalties;
12 repealing certain acts; regulating discharges of sewage and
13 industrial wastes; regulating the operation of mines and
14 regulating the impact of mining upon water quality, supply
15 and quantity; placing responsibilities upon landowners and
16 land occupiers and to maintain primary jurisdiction over
17 surface coal mining in Pennsylvania," further providing for
18 the disposition of fines and penalties collected from
19 municipalities.

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

22 Section 1. Section 8(a) of the act of June 22, 1937
23 (P.L.1987, No.394), known as The Clean Streams Law, amended
24 October 10, 1980 (P.L.894, No.157), is amended to read:

25 Section 8. Clean Water Fund.--(a) (1) All fines collected

1 under the penal provisions of this act, all civil penalties
2 collected under section 605 of this act, all permit fees except
3 those imposed pursuant to sections 202, 203 and 207 and all bond
4 forfeitures and costs recovered under section 315 shall be paid
5 into the Treasury of the Commonwealth in a special fund known as
6 "The Clean Water Fund," which shall be administered by the
7 department for use in the elimination of pollution.

8 (2) The fines and penalties collected under clause (1) from
9 municipalities shall be placed in special dedicated escrow
10 accounts within "The Clean Water Fund," one account for each
11 municipality as need be. The amounts placed in each dedicated
12 escrow account shall be used only to abate any nuisance or to
13 improve the situation which caused the nuisance or other
14 violation of this act caused by that respective municipality.
15 Dispersal of funds in the special dedicated escrow accounts
16 shall be allotted to the respective municipalities as the work to
17 abate the nuisance or the required improvements proceed, during
18 which time the municipality may request the department to
19 release such portions of funds necessary to cover costs incurred
20 to that point in performing the work.

21 (3) The department shall allow municipalities to pay any
22 fine or penalty incurred under this act by means of a reasonable
23 installment plan agreed to by the department and respective
24 municipal authorities.

25 * * *

26 Section 2. This act shall take effect in 60 days.