

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1192 Session of
2003

INTRODUCED BY READSHAW, CIVERA, COSTA, CURRY, LEDERER, PISTELLA,
SAINATO, SHANER, TRAVAGLIO, WASHINGTON AND WOJNAROSKI,
APRIL 16, 2003

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 16, 2003

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 penalties and for limitation of certain actions.

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

21 Section 1. Sections 602 and 605(c) of the act of June 22,
22 1937 (P.L.1987, No.394), known as The Clean Streams Law, amended
23 October 10, 1980 (P.L.894, No.157), are amended to read:

24 Section 602. Penalties.--(a) Any person or municipality who
25 violates any provision of this act, any rule or regulation of

1 the department, any order of the department, or any condition of
2 any permit issued pursuant to this act is guilty of a summary
3 offense and, upon conviction, such person or municipality shall
4 be subject to a fine of not less than one hundred dollars (\$100)
5 nor more than ten thousand dollars (\$10,000) for each separate
6 offense, and, in default of the payment of such fine, a person
7 shall be imprisoned for a period of ninety days.

8 (b) Any person or municipality who [wilfully or] negligently
9 violates any provision of this act, any rule or regulation of
10 the department, any order of the department, or any condition of
11 any permit issued pursuant to the act is guilty of a misdemeanor
12 of the third degree and, upon conviction, shall be subject to a
13 fine of not less than two thousand five hundred dollars (\$2,500)
14 nor more than twenty-five thousand dollars (\$25,000) for each
15 separate offense or to imprisonment in the county jail for a
16 period of not more than one year, or both.

17 (c) Any person or municipality who, after a conviction of a
18 misdemeanor for any violation within two years as above
19 provided, [wilfully or] negligently violates any provision of
20 this act, any rule or regulation of the department, any order of
21 the department, or any condition of any permit issued pursuant
22 to this act is guilty of a misdemeanor of the second degree and,
23 upon conviction, shall be subject to a fine of not less than two
24 thousand five hundred dollars (\$2,500) nor more than fifty
25 thousand dollars (\$50,000) for each separate offense or to
26 imprisonment for a period of not more than two years, or both.

27 (c.1) Any person or municipality who knowingly or recklessly
28 violates any provision of this act, any rule or regulation of
29 the department, any order of the department, or any condition of
30 any permit issued pursuant to this act is guilty of a felony of

1 the third degree and, upon conviction, shall be subject to a
2 fine of not less than two thousand five hundred dollars (\$2,500)
3 nor more than seventy-five thousand dollars (\$75,000) for each
4 separate offense or to imprisonment for a period of not more
5 than seven years, or both.

6 (d) Each day of continued violation of any provision of this
7 act, any rule or regulation of the department, any order of the
8 department, or any condition of any permit issued pursuant to
9 this act shall constitute a separate offense.

10 (e) The maximum fines specified under this section are
11 established pursuant to requirements set forth by the United
12 States Environmental Protection Agency in accordance with the
13 "Federal Water Pollution Control Act" (33 U.S.C. § 1251 et seq.)
14 and in accordance with the "Surface Mining Control and
15 Reclamation Act of 1977" (30 U.S.C. § 1201 et seq.).

16 Section 605. Civil Penalties Generally.--* * *

17 [(c) Any other provision of law to the contrary
18 notwithstanding, there shall be a statute of limitations of five
19 years upon actions brought by the Commonwealth pursuant to this
20 section.]

21 Section 2. The act is amended by adding a section to read:

22 Section 613. Limitation on Action.--The provisions of any
23 other statute to the contrary notwithstanding, actions for civil
24 or criminal penalties under this act shall be commenced at any
25 time within a period of five years from the date the offense is
26 discovered.

27 Section 3. This act shall take effect in 60 days.