

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1858 Session of  
2013

INTRODUCED BY HEFFLEY, MILLARD, JAMES, MAHONEY, SWANGER, CAUSER,  
EVERETT, CALTAGIRONE, LUCAS, HARHART, MURT AND SANKEY,  
NOVEMBER 25, 2013

REFERRED TO COMMITTEE ON GAME AND FISHERIES, NOVEMBER 25, 2013

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 powers and duties of department.

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

21 Section 1. Section 5(a) of the act of June 22, 1937  
22 (P.L.1987, No.394), known as The Clean Streams Law, amended  
23 October 10, 1980 (P.L.894, No.157), is amended and the section  
24 is amended by adding a subsection to read:

25 Section 5. Powers and Duties.--(a) [The] Subject to the

1 provisions of subsection (c), the department, in adopting rules  
2 and regulations, in establishing policy and priorities, in  
3 issuing orders or permits, and in taking any other action  
4 pursuant to this act, shall, in the exercise of sound judgment  
5 and discretion, and for the purpose of implementing the  
6 declaration of policy set forth in section 4 of this act,  
7 consider, where applicable, the following:

8       (1) Water quality management and pollution control in the  
9 watershed as a whole;

10       (2) The present and possible future uses of particular  
11 waters;

12       (3) The feasibility of combined or joint treatment  
13 facilities;

14       (4) The state of scientific and technological knowledge;

15       (5) The immediate and long-range economic impact upon the  
16 Commonwealth and its citizens.

17       \* \* \*

18       (c) Fish hatcheries in a county of the fifth, sixth, seventh  
19 or eighth class in operation, continuously or otherwise, prior  
20 to January 1, 1993, shall be exempt from the provisions of 25  
21 Pa. Code Ch. 93 (relating to water quality standards).

22       Section 2. Any and all regulations are abrogated to the  
23 extent of any inconsistency with this act.

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