

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 205 Session of 2009

INTRODUCED BY PIPPY, FONTANA, WONDERLING, FERLO, ORIE, LOGAN AND
COSTA, FEBRUARY 19, 2009

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 19,
2009

AN ACT

1 Amending the act of April 8, 1949 (P.L.418, No.58), entitled "An
2 act to provide for and regulate the accumulation, investment,
3 and expenditure of funds by cities, boroughs, incorporated
4 towns and townships for preparing plans for sewage disposal
5 systems, and for the construction, improvement or replacement
6 of sewage disposal systems for which plans have been approved
7 by the Sanitary Water Board of the Commonwealth," further
8 providing for definitions and for expenditure of fund.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Sections 1 and 4 of the act of April 8, 1949
12 (P.L.418, No.58), entitled "An act to provide for and regulate
13 the accumulation, investment, and expenditure of funds by
14 cities, boroughs, incorporated towns and townships for preparing
15 plans for sewage disposal systems, and for the construction,
16 improvement or replacement of sewage disposal systems for which
17 plans have been approved by the Sanitary Water Board of the
18 Commonwealth," are amended to read:

19 Section 1. Definitions.--[As used in this act, the word or
20 phrase "Municipality" means any city, borough, incorporated

town, or township.] The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department" means the Department of Environmental Protection of the Commonwealth.

"[Municipality] Municipal Authority" means a body politic and corporate created pursuant to the provisions of the Municipality Authorities Act of 1945 [or], the Municipality Authorities Act of 1935[.] or 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

"Municipality" means any city, borough, incorporated town or township.

"Private lateral sewer line" means a private sewer line serving a structure or dwelling, running from the structure or dwelling to a public sewer line.

"Sewage Disposal System" means a system for the disposal of sewage, including all pipes carrying the sewage and all sewage treatment works.

"Special Fund" means a sewage disposal system fund created, invested and expended in accordance with this act.

"Sanitary Water Board" means the Sanitary Water Board of the Commonwealth.

Section 4. Expenditure of Fund.--The following shall apply:

(1) The moneys in any such special fund may be expended by the municipality singly, or jointly with the Federal Government, the Commonwealth or any department or agency thereof, or with one or more other municipalities or municipality authorities, only for preparing plans for a sewage disposal system and for the construction, improvement or replacement of a sewage disposal system for which plans have been approved by the

1 [Sanitary Water Board.] department.

2 (2) (i) Municipalities and municipal authorities may use
3 public funds for the improvement, extension, repair or
4 rehabilitation of private lateral sewer lines connected to
5 public sewer systems in instances where:

6 (A) the municipality or municipal authority determines that
7 such activities will benefit the public health through the
8 prevention of overflows and sewage backups onto private
9 property;

10 (B) the municipality or municipal authority has been ordered
11 by any public health or environmental agency having jurisdiction
12 to reduce infiltration and inflow; or

13 (C) private laterals have been identified through an
14 appropriate engineering study to be shown as significant
15 contributors to the wet weather overflow problem and sewer
16 system capacity and are determined to be a cost-effective
17 component of the solution.

18 (ii) A municipality or municipal authority acting under the
19 provisions of this paragraph shall be automatically granted
20 temporary easements for the length of the private lateral being
21 rehabilitated, but not to exceed five feet on either side of the
22 lateral.

23 (iii) No municipality or municipal authority shall be deemed
24 to be the owner of such private lateral sewer lines, or to have
25 any further responsibility for operation and maintenance, unless
26 the municipality or municipal authority makes an affirmative
27 determination to accept such obligations.

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