

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1459 Session of
2017

INTRODUCED BY HEFFLEY, MILLARD, PICKETT, JAMES, WARD, WHEELAND,
MASSER, ZIMMERMAN, COX AND HILL-EVANS, MAY 25, 2017

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MAY 25, 2017

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," in general provisions
18 and public policy, further providing for powers and duties of
19 department.

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

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

25 Section 5. Powers and Duties.--(a) [The] Subject to the
26 provisions of subsection (c), the department, in adopting rules

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

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

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

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

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

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

16 * * *

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

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

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