

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 597 Session of 2021

INTRODUCED BY STEFANO, MENSCH, SCAVELLO AND VOGEL,
APRIL 21, 2021

AS AMENDED ON THIRD CONSIDERATION, JUNE 6, 2022

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for water and wastewater
3 asset management plans.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 27 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 67

9 WATER AND WASTEWATER ASSET MANAGEMENT PLANS

10 Sec.

11 6701. Scope of chapter.

12 6702. Definitions.

13 6703. Asset management plans.

14 6704. Critical valve inspections and fire hydrant inspections
15 by water system operator.

16 6705. Water meters.

17 6706. Development of cybersecurity system.

18 6707. Annual information to customers.

1 6708. Contingency for public funding.

2 6709. Enforcement.

3 6710. Department costs.

4 6711. Regulations.

5 § 6701. Scope of chapter.

6 This chapter relates to water and wastewater asset management
7 plans.

8 § 6702. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Community wastewater system." A publicly or privately owned
13 community sewage system which serves at least 50+ 751 service <--
14 connections used by year-round residents that uses a method of
15 sewage collection, conveyance treatment or disposal other than
16 renovation in a soil absorption area or retention in a retaining
17 tank. The term does not include a municipally owned and <--
18 operated: <--

19 (1) A MUNICIPALLY OWNED AND OPERATED sewage system that
20 owns and operates a water system which has applied to the
21 Pennsylvania Public Utility Commission for a voluntary change
22 in rates under 66 Pa.C.S. § 1308(d) (relating to voluntary
23 changes in rates), within five years of the effective date of
24 this section.

25 (2) A COMMUNITY SEWAGE SYSTEM OWNED BY A PLANNED <--
26 COMMUNITY AS DEFINED IN 68 PA.C.S. PT. II SUBPT. D (RELATING
27 TO PLANNED COMMUNITIES).

28 "Community water system." A public water system which serves
29 at least 50+ 751 service connections used by year-round <--
30 residents. The term does not include an INCLUDE: <--

1 (1) AN entity which has applied to the Pennsylvania
2 Public Utility Commission for a voluntary change in rates
3 under 66 Pa.C.S. § 1308(d), within five years of the
4 effective date of this section.

5 (2) A COMMUNITY WATER SYSTEM OWNED BY A PLANNED <--
6 COMMUNITY AS DEFINED IN 68 PA.C.S. PT. II SUBPT. D.
7 "Critical valve." A valve that is identified as critical by
8 a water system operator, including a valve that is:

- 9 (1) located at a hospital or nursing home;
10 (2) located at an interconnection with a purveyor;
11 (3) a regulator control valve;
12 (4) a backflow valve of any type, protecting against
13 either a high or low hazard; or
14 (5) a valve in a facility, such as a treatment plant,
15 pump station, storage tank or well, that is needed to isolate
16 or operate the facility.

17 "Department." The Department of Environmental Protection of
18 the Commonwealth.

19 "Lead service line." A water service pipe made of lead that
20 connects a water main to a building inlet and a lead pigtail,
21 gooseneck or other fitting that is connected to the water
22 service pipe.

23 "Wastewater system operator." A person or entity that owns
24 or operates a community wastewater system.

25 "Water system operator." A person or entity that owns or
26 operates a community water system.

27 § 6703. Asset management plans.

28 (a) Community water system asset management plan.--Beginning
29 no later than 18 months after the effective date of this
30 section, a water system operator shall annually submit an asset

1 management plan, pursuant to a schedule established by the
2 department and every three years thereafter to the department
3 for review and approval. The asset management plan shall be
4 designed to inspect, maintain, repair and renew the water system
5 operator's water infrastructure consistent with Federal and
6 State laws. The community water system asset management plan
7 shall include at a minimum:

8 (1) A water main renewal program designed to achieve a
9 stated replacement cycle determined by a detailed engineering
10 analysis of the asset material of construction, condition and
11 estimated service life remaining of the water mains serving
12 the community water system and the failure or low conveyance
13 capability for fire flow.

14 (2) A water supply and treatment program designed to
15 inspect, maintain, repair, renew and upgrade wells, intakes,
16 pumps and treatment facilities.

17 (3) An initial schedule for the planned repair and
18 replacement of water system infrastructure over a specified
19 time period.

20 (4) A general description of the location of the water
21 system infrastructure, including a map.

22 (5) A reasonable estimate of the quantity of water
23 system infrastructure to be improved in the coming year and a
24 description of the water system infrastructure repaired,
25 improved or replaced and the associated costs for the
26 immediately preceding 12-month period.

27 (6) Projected annual expenditures to implement the plan,
28 the amount of money dedicated on an annual basis to address
29 the highest priority projects and measures taken to ensure
30 that the plan is cost effective.

1 (7) The setting of rates that are sufficient to sustain
2 the current operation of the community water system and the
3 financing for all planned and reasonably anticipated
4 infrastructure improvements.

5 (8) The specific criteria used by the water system
6 operator to identify critical valves and their current
7 condition and fire hydrants and a map identifying each one in
8 accordance with section 6704 (relating to critical valve
9 inspections and fire hydrant inspections by water system
10 operator).

11 (9) A report of water meter testing in accordance with
12 section 6705 (relating to water meters).

13 (10) A lead service line removal and replacement plan
14 which includes the removal and replacement of customer-owned
15 and water system operator-owned lines, within or connected to
16 the operator's community water system, in accordance with the
17 Environmental Protection Agency's Lead and Copper Rule, the
18 department and the Pennsylvania Public Utility Commission, as
19 appropriate.

20 (11) A cross-connection control and backflow prevention
21 plan.

22 (12) Certification of a cybersecurity plan developed in
23 accordance with section 6706 (relating to development of
24 cybersecurity system).

25 (b) Community wastewater system asset management plan.--
26 Beginning no later than 18 months after the effective date of
27 this section, a wastewater system operator shall submit an asset
28 management plan pursuant to a schedule established by the
29 department, and every three years thereafter, to the department
30 for review and approval. The asset management plan shall be

1 designed to inspect, maintain, repair and renew its wastewater
2 infrastructure consistent with Federal and State laws. The
3 community wastewater system asset management plan shall include
4 at a minimum:

5 (1) A wastewater main renewal program designed to
6 achieve a stated replacement or rehabilitation cycle by a
7 detailed engineering analysis of the asset material of
8 construction, the condition and type of main-to-service
9 connection and estimated service life remaining of the
10 wastewater mains serving the community wastewater system.

11 (2) A sewer inspection program designed to perform an
12 assessment of the collection system to establish the
13 collections system's condition.

14 (3) An initial schedule for the planned repair and
15 replacement of wastewater infrastructure over a specified
16 time period.

17 (4) A general description of the location of the
18 wastewater infrastructure, including a map.

19 (5) A reasonable estimate of the quantity of wastewater
20 infrastructure to be improved in the coming year and a
21 description of the wastewater infrastructure repaired,
22 improved or replaced and the associated costs for the
23 immediately preceding 12 month period.

24 (6) Projected annual expenditures to implement the plan,
25 the amount of money dedicated on an annual basis to address
26 the highest priority projects and measures taken to ensure
27 that the plan is cost effective.

28 (7) The setting of rates that are sufficient to sustain
29 the current operation of the community wastewater system and
30 the financing for each planned and reasonably anticipated

1 infrastructure improvement.

2 (8) Certification of a cybersecurity plan developed in
3 accordance with section 6706.

4 (c) Schedule.--Plans submitted under this section must
5 include a schedule under which the water system operator or
6 wastewater system operator will achieve goals of the asset
7 management plans.

8 (d) Review of plans.--A plan required under this section
9 shall be due and updated according to a schedule established by
10 the department and shall be submitted to and reviewed and
11 subject to enforcement by the department.

12 § 6704. Critical valve inspections and fire hydrant inspections
13 by water system operator.

14 (a) Critical valve inspections.--A water system operator
15 shall inspect each critical valve in the water system operator's
16 community water system to determine the accessibility of each
17 critical valve for operational purposes and the critical valve's
18 operating condition. A water system operator shall inspect each
19 critical valve consistent with its asset management plan, no
20 less than every three years and at any time the water system
21 operator installs, repairs or relocates a critical valve. At a
22 minimum, a critical valve inspection must:

23 (1) follow the recommendation of the valve manufacturer
24 to constitute a credible test or the number of turns which
25 constitutes 15% of the total number of turns necessary to
26 completely open or completely close the valve; and

27 (2) comply with any other criteria required under rules
28 and regulations.

29 (b) Remedy.--A water system operator shall remedy a critical
30 valve found to be nonoperational and include the remediation in

1 its asset management plan.

2 (c) Fire hydrants.--A water system operator shall annually
3 inspect at least 33% of the fire hydrants in the water system
4 operator's system in a manner that each fire hydrant is
5 inspected over the course of four years in order to determine
6 each fire hydrant's working condition. The water system operator
7 shall formulate and implement a plan for flushing fire hydrants
8 and at dead ends of water mains as water quality needs dictate.
9 The plan for flushing may be combined with the required periodic
10 testing of fire hydrants.

11 (d) Recordkeeping and marking of fire hydrants.--

12 (1) A water system operator shall keep a record of each
13 inspection, test and flushing conducted under this section
14 for a period of at least six years.

15 (2) A water system operator that owns, solely or
16 jointly, a fire hydrant shall clearly mark easily
17 identifiable ownership information, including a number by
18 which the location of the hydrant may be determine, on the
19 water system operator's records.

20 (e) GPS identification.--A water system operator shall
21 identify the geographic location of each fire hydrant in the
22 water system operator's public water system using a global
23 positioning system based on satellite or other location
24 technology.

25 § 6705. Water meters.

26 ~~(a) Allowable error. A water provider must set an allowable~~ <--
27 ~~error rate and develop a testing protocol as part of an asset~~
28 ~~management plan.~~

29 (A) GENERAL RULE.--A WATER PROVIDER MUST: <--

30 (1) SET AN ALLOWABLE ERROR RATE AND DEVELOP A TESTING

1 PROTOCOL AS PART OF AN ASSET MANAGEMENT PLAN; OR

2 (2) ALLOW FOR REPLACEMENT OF A WATER METER ENTIRELY.

3 (b) Meter test records.--

4 (1) If a water meter is tested, the original test record
5 shall be kept indicating:

6 (i) the information necessary for identifying the
7 meter;

8 (ii) the reason for making the test;

9 (iii) the reading of the meter before being
10 disturbed; and

11 (iv) the accuracy of the meter together with data
12 taken at the time of the test.

13 (2) The record shall be sufficiently complete to permit
14 the convenient checking of the methods employed and the
15 calculations made.

16 (3) In addition to the records under paragraph (1), a
17 record shall be kept, indicating:

18 (i) the date of meter purchase;

19 (ii) the name of the manufacturer;

20 (iii) the meter's size, identification, various
21 places of installation with dates of installation and
22 removal; and

23 (iv) the dates and general results of each test.

24 (c) Installation and removal of meters.--

25 (1) Within 60 days of installation, a water meter shall
26 be inspected by the water system operator for mechanical
27 condition and suitability of location. For a new meter or a
28 meter reconditioned by a manufacturer, the test results of
29 the manufacturer may be accepted as the installation test if
30 the water system operator has verified the manufacturer's

1 reported test results by testing the greater of 10% or 10
2 meters of a shipment of meters. For an emergency, a meter not
3 meeting the requirements of this section may be installed
4 temporarily.

5 (2) A water meter that is removed from service with the
6 intent for the water meter to return to service shall be
7 tested within 30 days for accuracy to complete the meter's
8 test history. When a water meter is temporarily removed from
9 service, the water meter shall be properly sealed to secure
10 registers and measuring devices until the water meter can be
11 properly tested for accuracy.

12 § 6706. Development of cybersecurity system.

13 A water system and a wastewater system operator with cyber
14 infrastructure shall develop a cybersecurity program that:

15 (1) is developed by an accredited cybersecurity
16 professional;

17 (2) implements organizational accountability and
18 responsibilities for cyber risk management activities,
19 including any data on a network; and

20 (3) establishes policies, plans, processes and
21 procedures for identifying, reporting and mitigating cyber
22 risk to the water system's and wastewater system operator's
23 community water system or community wastewater system.

24 § 6707. Annual information to customers.

25 A water system operator shall annually inform the operator's
26 customers of compliance with this chapter in a manner
27 established by the department.

28 § 6708. Contingency for public funding.

29 Before a water or wastewater system operator may receive a
30 subsidized loan or other financial assistance from the

1 Commonwealth, the water or wastewater system operator must
2 demonstrate that the operator has developed or is in the process
3 of developing an asset management program required under this
4 chapter.

5 § 6709. Enforcement.

6 For a water system operator or wastewater system operator
7 specified under section 6703(d) (relating to asset management
8 plans), the department shall issue an order, enter into a
9 consent order, assess a civil penalty or take any other action
10 necessary to enforce compliance with this chapter that the
11 department is authorized to take for violations under any of the
12 following:

13 (1) The act of June 22, 1937 (P.L.1987, No.394), known
14 as The Clean Streams Law.

15 (2) The act of January 24, 1966 (1965 P.L.1535, No.537),
16 known as the Pennsylvania Sewage Facilities Act.

17 (3) The act of May 1, 1984 (P.L.206, No.43), known as
18 the Pennsylvania Safe Drinking Water Act.

19 (4) Chapter 31 (relating to water resources planning).

20 § 6710. Department costs.

21 The program costs for department implementation and
22 enforcement of this chapter shall be included in the
23 department's proposed budget and shall be assessed upon a
24 community water system operator or owner and a community
25 wastewater system operator or owner. A community water system
26 operator or owner and a community wastewater system operator or
27 owner shall report annually to the department the gross
28 intrastate operating revenues for the preceding calendar year.

29 § 6711. Regulations.

30 The department shall promulgate regulations to implement and

1 administer this chapter.

2 Section 2. This act shall take effect as follows:

3 (1) The following provisions shall take effect
4 immediately:

5 (i) This section.

6 (ii) The addition of 27 Pa.C.S. §§ 6709 and 6710.

7 (2) The remainder of this act shall take effect in six
8 months.