AN ACT

Amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, in special programs, providing for water quality accountability.

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

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

CHAPTER 67

WATER QUALITY ACCOUNTABILITY

Sec.

6701. Scope.

6702. Definitions.

6703. Asset management plan.

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6706. Lead service line replacements.

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§ 6701. Scope.

This chapter relates to water quality accountability.

§ 6702. Definitions.

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


"Community sewerage system." A publicly or privately owned community sewage system that uses a method of sewage collection, conveyance, treatment or disposal other than renovation in a soil absorption area or retention in a retaining tank.

"Critical valve." A valve that is identified as critical by a water system operator, including a valve that is:

(1) located at a hospital or nursing home;
(2) located at an interconnection with a purveyor;
(3) a regulator control valve;
(4) a system valve that, if nonfunctioning, would cause widespread disruption to a service area; or
(5) a valve in a facility, such as a treatment plant, pump station, storage tank or well, that is needed to isolate or operate the facility.

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

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

"Public water system." A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days during a calendar year.

"Water system operator." Any person or entity that owns or operates a public water system or community sewerage system.

§ 6703. Asset management plan.

(a) Duty to implement.--Beginning no later than 12 months after the effective date of this section, a water system operator shall implement an asset management plan designed to inspect, maintain, repair and renew its water and wastewater infrastructure consistent with standards established by the American Water Works Association and Water Environmental Federation. The asset management plan shall include:

(1) A water main renewal program designed to achieve a replacement recycle of no greater than 100 years as determined by a detailed engineering analysis of the asset material of construction, condition and estimated service life remaining of the water mains serving the public water system and the failure or low conveyance capability for fire flow.

(2) A wastewater main renewal program designed to achieve a replacement cycle or rehabilitation cycle no greater than 100 years as determined by a detailed engineering analysis of the asset material of construction and condition, including the condition and type of main-to-service connection and estimated service life remaining of the wastewater mains serving the public wastewater system.
(3) A water supply and treatment program designed to inspect, maintain, repair, renew and upgrade wells, intakes, pumps and treatment facilities in accordance with all Federal and State regulations, standards established by the American Water Works Association and the Water Environmental Federation and any mitigation plan required under this chapter.

(4) A sewer inspection program shall be created in accordance with the NASSCO Pipeline Assessment Certification Program (PACP).

(5) An initial schedule for the planned repair and replacement of water and wastewater infrastructure over a specified time period.

(6) A general description of the location of the water and wastewater infrastructure, including a map.

(7) A reasonable estimate of the quantity of water and wastewater infrastructure to be improved and an estimated timeline in which the assets will be repaired or replaced.

(8) Projected annual expenditures to implement the plan and measures taken to ensure that the plan is cost effective.

(9) The specific criteria used by the water system operator to identify critical valves and their current condition and a map identifying each one.

(b) Annual dedication of money.--Each water system operator shall dedicate money on an annual basis to address and remediate the highest priority projects as determined by its asset management plan.

(c) Report to department.--A water system operator shall post on its publicly accessible Internet website and provide an annual report to the commission or department based on the
The report shall include:

(1) A description that specifies all water and wastewater infrastructure repaired, improved and replaced and the associated costs in the immediately preceding 12-month period according to the asset management plan. The report shall also include a detailed description of inability to execute pipe improvements as planned and how that has or will be addressed so that the plan may be achieved.

(2) A detailed description of all water and wastewater infrastructure to be improved in the upcoming 12-month period and the estimated cost of the improvement.

(d) Centralized portal to be created.--The department shall create a centralized portal allowing for electronic submittal of the report required under subsection (c). The lack of a centralized portal shall not affect the duty to submit a report under subsection (c).

§ 6704. Critical valve inspections by water system operator.

(a) Duty to inspect and repair or replace critical valves.--A water system operator shall inspect each critical valve in its public water system in accordance with the provisions of subsection (b) in order to determine:

(1) accessibility of the valve for operational purposes;

and

(2) the valve's operating condition.

A water system operator shall repair or replace a valve found to be broken or otherwise not operational.

(b) Frequency of inspections.--A water system operator shall inspect each critical valve consistent with a plan filed with the commission or the department, no less than every five years.
At a minimum, a valve inspection conducted pursuant to this subsection shall include:

1. clearing of the area around the valve to ensure full access to the valve for operating purposes;
2. cleaning out of the valve box;
3. dynamic testing of the valve, by opening and then closing the valve for either of the following number of turns:
   i. recommended by the valve manufacturer to constitute a credible test or the number of turns which constitutes 15% of the total number of turns necessary to completely open or completely close the valve; and
   ii. complying with any other criteria as may be required by department rules and regulations.

(c) Annual fire hydrant inspection.—A water system operator shall annually inspect at least 33% of the fire hydrants in its system in order to determine the hydrant's working condition. The water system operator shall formulate and implement a plan for flushing fire hydrants and at dead ends of water mains in the public water system and as water quality needs dictate. The plan for flushing may be combined with the periodic testing of fire hydrants otherwise required.

(d) Recordkeeping and marking of fire hydrants.—

1. A water system operator shall keep a record of all inspections, tests and flushings conducted under this section for a period of at least six years.
2. A water system operator that owns, solely or jointly, a fire hydrant shall mark the hydrant with the initials of its name, abbreviation of its name, corporate symbol or other distinguishing mark or code by which...
ownership may be readily and definitely ascertained. Each fire hydrant shall be marked with a number or symbol, or both, by which the location of the hydrant may be determined on the water system operator's office records. The markings may be made with paint, brand or with a soft metal plate and shall be of such size and spaced and maintained so as to be easily read.

(e) GPS identification.—A water system operator shall identify the geographic location of each valve and fire hydrant in its public water system using a global positioning system based on satellite or other location technology.

§ 6705. Meters.

(a) Allowable error.—No water meter that has an error in registration of more than 2% may be placed in service, nor may a water meter that has an error in registration of more than 4% be allowed to remain in service, when water is passing through the meter at approximately the following rates of flow:

<table>
<thead>
<tr>
<th>Meter size (inches)</th>
<th>Gallons per minute</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8</td>
<td>6</td>
</tr>
<tr>
<td>3/4</td>
<td>10</td>
</tr>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>1 1/2</td>
<td>30</td>
</tr>
<tr>
<td>2</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>90</td>
</tr>
<tr>
<td>4</td>
<td>180</td>
</tr>
<tr>
<td>6</td>
<td>300</td>
</tr>
</tbody>
</table>

(b) Prohibition.—

(1) No water system operator furnishing metered water service may allow a water meter of one inch or less nor a water meter of more than one inch to remain in service for a
period longer than 20 years and eight years, respectively, without testing the meter for accuracy and readjusting the meter if the meter is found to be incorrect beyond the limits established in subsection (a).

(2) At a customer's request, the water system operator shall also perform a meter test without charge if a meter has been in service and has not been tested for a period greater than that specified in the following table:

<table>
<thead>
<tr>
<th>Inch Meter</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8</td>
<td>10</td>
</tr>
<tr>
<td>3/4</td>
<td>8</td>
</tr>
<tr>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>More than 1</td>
<td>4</td>
</tr>
</tbody>
</table>

(c) Meter test records.--

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

(i) the information necessary for identifying the meter;

(ii) the reason for making the test;

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

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

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

(3) A record shall also be kept, preferably numerically arranged, indicating:

(i) the date of meter purchase;

(ii) the name of the manufacturer;
the meter's size, identification, various
places of installation with dates of installation and
removal; and
(iv) the dates and general results of all tests.
(d) Installation and removal of meters.--
(1) Within 60 days of installation, a water meter shall
be inspected by the water system operator for mechanical
condition and suitability of location. In the case of a new
meter or a meter reconditioned by a manufacturer, the test
results of the manufacturer may be accepted as the
installation test if the water system operator has verified
the manufacturer's reported test results by testing the
greater of 10% or 10 meters of a shipment of meters. In case
of emergency, a meter not meeting the requirements of this
section may be installed temporarily.
(2) (i) A water meter that is removed from service
shall be tested within 30 days for accuracy to complete
the meter's test history. When a meter is removed from
service, it shall be properly sealed to secure registers
and measuring devices until it can be properly tested for
accuracy.
(ii) This paragraph does not apply to a meter
permanently removed from service and replaced by a new
meter using a remote reading device.
§ 6706. Lead service line replacements.
(a) Duty to submit plan to department.--Within one year of
the effective date of this section, a water system operator
shall submit to the department a plan to remove and replace all
lead service lines, whether customer-owned or water system
operator-owned, within or connected to the operator's public
water system. The removal and replacement must be completed
within 20 years from the effective date of this section.

(b) Regulations.--The department shall promulgate
regulations establishing the minimum plan requirements under
this section.

§ 6707. Development of cybersecurity system.

(a) Regulations.--The department shall promulgate
regulations establishing the minimum requirements for a water
system operator cybersecurity program.

(b) Development of cybersecurity program.--

(1) Within 120 days of the publication of the
department's final regulations under subsection (a), a water
system operator shall develop a cybersecurity program that:

(i) is determined by an accredited cyber security
professional;

(ii) implements organization accountabilities and
responsibilities for cyber risk management activities;
and

(iii) establishes policies, plans, processes and
procedures for identifying, reporting and mitigating
cyber risk to its public water system.

(2) As part of the program, the water system operator
shall conduct risk assessments and implement appropriate
controls to:

(i) mitigate identified risks to the public water
system;

(ii) maintain situational awareness of cyber threats
and vulnerabilities to the public water system; and

(iii) create and exercise incident response and
recovery plans.
(c) Submission of program to department.--A copy of the program developed under this subsection shall be provided to the department in a manner prescribed by the department.

§ 6708. Annual information to customers.

A water system operator shall annually inform the operator's customers of compliance with this chapter.

§ 6709. Regulations.

The department, in consultation with the commission, shall promulgate regulations as necessary to implement this chapter.

§ 6710. Contingency for public funding.

Before a water or wastewater system operator may receive a subsidized loan or other financial assistance from the Commonwealth, the operator shall demonstrate to the department that the operator has developed or is in the process of developing an asset management program and cybersecurity plan as required by this chapter.

§ 6711. Enforcement.

After three years of noncompliance with this chapter, a water system operator shall be considered a public utility under 66 Pa.C.S. § 102 (relating to definitions).

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