AN ACT

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

AMENDING TITLE 66 (PUBLIC UTILITIES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, PROVIDING FOR WATER AND WASTEWATER ASSET MANAGEMENT PLANS.

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

See:
6701. Seepe.
6702. Definitions.
6703. Asset management plan.
6704. Critical valve inspections and testing by water system operator.
6705. Meters.
§ 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 "pigtai," "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 operator's asset management plan prepared under this section. 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.

c. 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 2½% 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>2 1/2</td>
<td>90</td>
</tr>
<tr>
<td>3</td>
<td>180</td>
</tr>
<tr>
<td>4</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>

(e) 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;

(iii) 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.

SECTION 1. TITLE 66 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

CHAPTER 37

WATER AND WASTEWATER ASSET MANAGEMENT PLANS

SEC.

3701. SCOPE OF CHAPTER.

3702. DEFINITIONS.
This chapter relates to water and wastewater asset management plans.

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 wastewater system." A publicly or privately owned community sewage system which serves at least 501 service connections used by year-round residents 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. The term does not include a municipally owned and operated sewage system that owns and operates a water system which has applied to the commission for a voluntary change in rates under section 1308(d) (relating to voluntary changes in rates), within five years of the effective date of this section.

"Community water system." A public water system which serves at least 501 service connections used by year-round residents. The term does not include an entity which has applied to the...
COMMISSION FOR A VOLUNTARY CHANGE IN RATES UNDER SECTION
1308(D), WITHIN FIVE YEARS OF THE EFFECTIVE DATE OF THIS
SECTION.

"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 BACKFLOW VALVE OF ANY TYPE, PROTECTING AGAINST
   EITHER A HIGH OR LOW HAZARD; 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.

"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.

"WASTEWATER SYSTEM OPERATOR." A PERSON OR ENTITY THAT OWNS
OR OPERATES A COMMUNITY WASTEWATER SYSTEM.

"WATER SYSTEM OPERATOR." A PERSON OR ENTITY THAT OWNS OR
OPERATES A COMMUNITY WATER SYSTEM.

§ 3703. ASSET MANAGEMENT PLANS.

(A) COMMUNITY WATER SYSTEM ASSET MANAGEMENT PLAN.--BEGINNING
NO LATER THAN 12 MONTHS AFTER THE EFFECTIVE DATE OF THIS
SECTION, A WATER SYSTEM OPERATOR SHALL ANNUALLY SUBMIT AN ASSET
MANAGEMENT PLAN, PURSUANT TO A SCHEDULE ESTABLISHED BY THE
COMMISSION AND EVERY THREE YEARS THEREAFTER TO THE COMMISSION
FOR REVIEW AND APPROVAL. THE ASSET MANAGEMENT PLAN SHALL BE
DESIGNED TO INSPECT, MAINTAIN, REPAIR AND RENEW THE WATER SYSTEM
OPERATOR'S WATER INFRASTRUCTURE CONSISTENT WITH FEDERAL AND
STATE LAWS. THE COMMUNITY WATER SYSTEM ASSET MANAGEMENT PLAN SHALL INCLUDE AT A MINIMUM:

(1) A WATER MAIN RENEWAL PROGRAM DESIGNED TO ACHIEVE A STATED REPLACEMENT CYCLE DETERMINED BY A DETAILED ENGINEERING ANALYSIS OF THE ASSET MATERIAL OF CONSTRUCTION, CONDITION AND ESTIMATED SERVICE LIFE REMAINING OF THE WATER MAINS SERVING THE COMMUNITY WATER SYSTEM AND THE FAILURE OR LOW CONVEYANCE CAPABILITY FOR FIRE FLOW.

(2) A WATER SUPPLY AND TREATMENT PROGRAM DESIGNED TO INSPECT, MAINTAIN, REPAIR, RENEW AND UPGRADE WELLS, INTAKES, PUMPS AND TREATMENT FACILITIES.

(3) AN INITIAL SCHEDULE FOR THE PLANNED REPAIR AND REPLACEMENT OF WATER SYSTEM INFRASTRUCTURE OVER A SPECIFIED TIME PERIOD.

(4) A GENERAL DESCRIPTION OF THE LOCATION OF THE WATER SYSTEM INFRASTRUCTURE, INCLUDING A MAP.

(5) A REASONABLE ESTIMATE OF THE QUANTITY OF WATER SYSTEM INFRASTRUCTURE TO BE IMPROVED IN THE COMING YEAR AND A DESCRIPTION OF THE WATER SYSTEM INFRASTRUCTURE REPAIRED, IMPROVED OR REPLACED AND THE ASSOCIATED COSTS FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD.

(6) PROJECTED ANNUAL EXPENDITURES TO IMPLEMENT THE PLAN, THE AMOUNT OF MONEY DEDICATED ON AN ANNUAL BASIS TO ADDRESS THE HIGHEST PRIORITY PROJECTS AND MEASURES TAKEN TO ENSURE THAT THE PLAN IS COST EFFECTIVE.

(7) THE SETTING OF RATES THAT ARE SUFFICIENT TO SUSTAIN THE CURRENT OPERATION OF THE COMMUNITY WATER SYSTEM AND THE FINANCING FOR ALL PLANNED AND REASONABLY ANTICIPATED INFRASTRUCTURE IMPROVEMENTS.

(8) THE SPECIFIC CRITERIA USED BY THE WATER SYSTEM
OPERATOR TO IDENTIFY CRITICAL VALVES AND THEIR CURRENT CONDITION AND FIRE HYDRANTS AND A MAP IDENTIFYING EACH ONE IN ACCORDANCE WITH SECTION 3704 (RELATING TO CRITICAL VALVE INSPECTIONS AND FIRE HYDRANT INSPECTIONS BY WATER SYSTEM OPERATOR).

(9) A REPORT OF WATER METER TESTING IN ACCORDANCE WITH SECTION 3705 (RELATING TO WATER METERS).

(10) A LEAD SERVICE LINE REMOVAL AND REPLACEMENT PLAN WHICH INCLUDES THE REMOVAL AND REPLACEMENT OF CUSTOMER-OWNED AND WATER SYSTEM OPERATOR-OWNED LINES, WITHIN OR CONNECTED TO THE OPERATOR'S COMMUNITY WATER SYSTEM.

(11) A CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION PLAN.

(12) CERTIFICATION OF A CYBERSECURITY PLAN DEVELOPED IN ACCORDANCE WITH SECTION 3706 (RELATING TO DEVELOPMENT OF CYBERSECURITY SYSTEM).

(B) COMMUNITY WASTEWATER SYSTEM ASSET MANAGEMENT PLAN.-- BEGINNING NO LATER THAN 12 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, A WASTEWATER SYSTEM OPERATOR SHALL SUBMIT AN ASSET MANAGEMENT PLAN PURSUANT TO A SCHEDULE ESTABLISHED BY THE COMMISSION, AND EVERY THREE YEARS THEREAFTER, TO THE COMMISSION FOR REVIEW AND APPROVAL. THE ASSET MANAGEMENT PLAN SHALL BE DESIGNED TO INSPECT, MAINTAIN, REPAIR AND RENEW ITS WASTEWATER INFRASTRUCTURE CONSISTENT WITH FEDERAL AND STATE LAWS. THE COMMUNITY WASTEWATER SYSTEM ASSET MANAGEMENT PLAN SHALL INCLUDE AT A MINIMUM:

(1) A WASTEWATER MAIN RENEWAL PROGRAM DESIGNED TO ACHIEVE A STATED REPLACEMENT OR REHABILITATION CYCLE BY A DETAILED ENGINEERING ANALYSIS OF THE ASSET MATERIAL OF CONSTRUCTION, THE CONDITION AND TYPE OF MAIN-TO-SERVICE
CONNECTION AND ESTIMATED SERVICE LIFE REMAINING OF THE
WASTEWATER MAINS SERVING THE COMMUNITY WASTEWATER SYSTEM.

(2) A SEWER INSPECTION PROGRAM DESIGNED TO PERFORM AN
ASSESSMENT OF THE COLLECTION SYSTEM TO ESTABLISH THE
COLLECTIONS SYSTEM'S CONDITION.

(3) AN INITIAL SCHEDULE FOR THE PLANNED REPAIR AND
REPLACEMENT OF WASTEWATER INFRASTRUCTURE OVER A SPECIFIED
TIME PERIOD.

(4) A GENERAL DESCRIPTION OF THE LOCATION OF THE
WASTEWATER INFRASTRUCTURE, INCLUDING A MAP.

(5) A REASONABLE ESTIMATE OF THE QUANTITY OF WASTEWATER
INFRASTRUCTURE TO BE IMPROVED IN THE COMING YEAR AND A
DESCRIPTION OF THE WASTEWATER INFRASTRUCTURE REPAIRED,
IMPROVED OR REPLACED AND THE ASSOCIATED COSTS FOR THE
IMMEDIATELY PRECEDING 12 MONTH PERIOD.

(6) PROJECTED ANNUAL EXPENDITURES TO IMPLEMENT THE PLAN,
THE AMOUNT OF MONEY DEDICATED ON AN ANNUAL BASIS TO ADDRESS
THE HIGHEST PRIORITY PROJECTS AND MEASURES TAKEN TO ENSURE
THAT THE PLAN IS COST EFFECTIVE.

(7) THE SETTING OF RATES THAT ARE SUFFICIENT TO SUSTAIN
THE CURRENT OPERATION OF THE COMMUNITY WASTEWATER SYSTEM AND
THE FINANCING FOR EACH PLANNED AND REASONABLY ANTICIPATED
INFRASTRUCTURE IMPROVEMENT.

(8) A CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION
PLAN.

(9) CERTIFICATION OF A CYBERSECURITY PLAN DEVELOPED IN
ACCORDANCE WITH SECTION 3706.

(C) SCHEDULE.--PLANS SUBMITTED UNDER THIS SECTION MUST
INCLUDE A SCHEDULE UNDER WHICH THE WATER SYSTEM OPERATOR OR
WASTEWATER SYSTEM OPERATOR WILL ACHIEVE GOALS OF THE ASSET
§ 3704. CRITICAL VALVE INSPECTIONS AND FIRE HYDRANT INSPECTIONS

BY WATER SYSTEM OPERATOR.

(A) CRITICAL VALVE INSPECTIONS.--A WATER SYSTEM OPERATOR SHALL INSPECT EACH CRITICAL VALVE IN THE WATER SYSTEM OPERATOR'S COMMUNITY WATER SYSTEM TO DETERMINE THE ACCESSIBILITY OF EACH CRITICAL VALVE FOR OPERATIONAL PURPOSES AND THE CRITICAL VALVE'S OPERATING CONDITION. A WATER SYSTEM OPERATOR SHALL INSPECT EACH CRITICAL VALVE CONSISTENT WITH ITS ASSET MANAGEMENT PLAN, NO LESS THAN EVERY THREE YEARS AND AT ANY TIME THE WATER SYSTEM OPERATOR INSTALLS, REPAIRS OR RELOCATES A CRITICAL VALVE. AT A MINIMUM, A CRITICAL VALVE INSPECTION MUST:

(1) FOLLOW THE RECOMMENDATION OF 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

(2) COMPLY WITH ANY OTHER CRITERIA REQUIRED UNDER RULES AND REGULATIONS.

(B) REMEDY.--A WATER SYSTEM OPERATOR SHALL REMEDY A CRITICAL VALVE FOUND TO BE NONOPERATIONAL AND INCLUDE THE REMEDIATION IN ITS ASSESSMENT MANAGEMENT PLAN.

(C) FIRE HYDRANTS.--A WATER SYSTEM OPERATOR SHALL ANNUALLY INSPECT AT LEAST 33% OF THE FIRE HYDRANTS IN THE WATER SYSTEM OPERATOR'S SYSTEM IN A MANNER THAT EACH FIRE HYDRANT IS INSPECTED OVER THE COURSE OF FOUR YEARS IN ORDER TO DETERMINE EACH FIRE 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 AS WATER QUALITY NEEDS DICTATE. THE PLAN FOR FLUSHING MAY BE COMBINED WITH THE REQUIRED PERIODIC TESTING OF FIRE HYDRANTS.
(D) RECORDKEEPING AND MARKING OF FIRE HYDRANTS.--

(1) A WATER SYSTEM OPERATOR SHALL KEEP A RECORD OF EACH INSPECTION, TEST AND FLUSHING 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 CLEARLY MARK EASILY IDENTIFIABLE OWNERSHIP INFORMATION, INCLUDING A NUMBER BY WHICH THE LOCATION OF THE HYDRANT MAY BE DETERMINE, ON THE WATER SYSTEM OPERATOR'S RECORDS.

(E) GPS IDENTIFICATION.--A WATER SYSTEM OPERATOR SHALL IDENTIFY THE GEOGRAPHIC LOCATION OF EACH FIRE HYDRANT IN THE WATER SYSTEM OPERATOR'S PUBLIC WATER SYSTEM USING A GLOBAL POSITIONING SYSTEM BASED ON SATELLITE OR OTHER LOCATION TECHNOLOGY.

§ 3705. WATER METERS.

(A) ALLOWABLE ERROR.--A WATER METER THAT HAS AN ERROR IN REGISTRATION OF MORE THAN 2% MAY NOT BE PLACED IN SERVICE AND A WATER METER THAT HAS AN ERROR IN REGISTRATION OF MORE THAN 4% MAY NOT REMAIN IN SERVICE, IF 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>
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<tr>
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<td>50</td>
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<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) A water system operator furnishing metered water service may not allow a water meter to remain in service without testing the meter for accuracy and readjusting if the meter is found to be incorrect beyond the limits established under subsection (a) for a water meter:

(i) of one inch or less to remain in service for a period longer than 20 years;

(ii) of more than one inch to remain in service for a period longer than eight years.

(2) At a customer's request, the water system operator shall 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 as follows:

<table>
<thead>
<tr>
<th>Meter Size (Inches)</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) If 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) IN ADDITION TO THE RECORDS UNDER PARAGRAPH (1), A
RECORD SHALL BE KEPT, INDICATING:

(I) THE DATE OF METER PURCHASE;

(II) THE NAME OF THE MANUFACTURER;

(III) THE METER'S SIZE, IDENTIFICATION, VARIOUS
PLACES OF INSTALLATION WITH DATES OF INSTALLATION AND
REMOVAL; AND

(IV) THE DATES AND GENERAL RESULTS OF EACH TEST.

(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. FOR 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. FOR AN EMERGENCY, A METER NOT
MEETING THE REQUIREMENTS OF THIS SECTION MAY BE INSTALLED
TEMPORARILY.

(2) A WATER METER THAT IS REMOVED FROM SERVICE WITH THE
INTENT FOR THE WATER METER TO RETURN TO SERVICE SHALL BE
TESTED WITHIN 30 DAYS FOR ACCURACY TO COMPLETE THE METER'S
TEST HISTORY. WHEN A WATER METER IS TEMPORARILY REMOVED FROM
SERVICE, THE WATER METER SHALL BE PROPERLY SEALED TO SECURE
REGISTERS AND MEASURING DEVICES UNTIL THE WATER METER CAN BE
PROPERLY TESTED FOR ACCURACY.

§ 3706. DEVELOPMENT OF CYBERSECURITY SYSTEM.

A WATER SYSTEM AND A WASTEWATER SYSTEM OPERATOR SHALL DEVELOP
A CYBERSECURITY PROGRAM THAT:
(1) IS DEVELOPED BY AN ACCREDITED CYBERSECURITY PROFESSIONAL;

(2) IMPLEMENTS ORGANIZATIONAL ACCOUNTABILITY AND RESPONSIBILITIES FOR CYBER RISK MANAGEMENT ACTIVITIES; AND

(3) ESTABLISHES POLICIES, PLANS, PROCESSES AND PROCEDURES FOR IDENTIFYING, REPORTING AND MITIGATING CYBER RISK TO THE WATER SYSTEM'S AND WASTEWATER SYSTEM OPERATOR'S COMMUNITY WATER SYSTEM OR COMMUNITY WASTEWATER SYSTEM.

§ 3707. ANNUAL INFORMATION TO CUSTOMERS.

A WATER SYSTEM OPERATOR SHALL ANNUALLY INFORM THE OPERATOR'S CUSTOMERS OF COMPLIANCE WITH THIS CHAPTER IN A MANNER ESTABLISHED BY THE COMMISSION.

§ 3708. REGULATIONS.

(A) TEMPORARY.--THE COMMISSION SHALL PROMULGATE TEMPORARY REGULATIONS AS NECESSARY TO IMPLEMENT THIS CHAPTER. THE TEMPORARY REGULATIONS SHALL NOT BE SUBJECT TO THE FOLLOWING:

(1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW.

(2) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT.


(B) EXPIRATION.--THE TEMPORARY REGULATIONS PROMULGATED UNDER SUBSECTION (A) SHALL EXPIRE UPON THE PROMULGATION OF FINAL FORM REGULATIONS OR TWO YEARS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, WHICHEVER IS EARLIER.

§ 3709. CONTINGENCY FOR PUBLIC FUNDING.

BEFORE A WATER OR WASTEWATER SYSTEM OPERATOR MAY RECEIVE A
Subsidized loan or other financial assistance from the Commonwealth, the water or wastewater system operator must demonstrate that the operator has developed or is in the process of developing an asset management program required under this chapter.

§ 3710. Enforcement.

A water system operator or waste water system operator that fails to file an asset management plan or comply with a commission approved plan shall, notwithstanding any other provision of law, be deemed a public utility and regulated as a public utility.

§ 3711. Commission Costs.

The program costs for commission implementation and enforcement of this chapter shall be included in the commission's proposed budget and shall be assessed upon a community water system operator or owner and a community wastewater system operator or owner in accordance with section 510 (relating to assessment for regulatory expenses upon public utilities). For purposes of section 510, the definition of "public utility" shall include a community water system operator or owner or community wastewater system operator or owner required to file under this section and not subject to section 510 assessments. For the purposes of section 510 assessments, community water systems and community wastewater systems may be grouped with other public utilities furnishing the same kind of service. A community water system operator or owner and a community wastewater system operator or owner shall report annually to the commission the gross intrastate operating revenues for the preceding calendar year.

Section 2. This act shall take effect as follows:

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(1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IMMEDIATELY:

(I) THIS SECTION.

(II) THE ADDITION OF 66 PA.C.S. §§ 3710 AND 3711.

(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN SIX MONTHS.