

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 201

Session of
1983INTRODUCED BY REIBMAN, FISHER, LLOYD, SINGEL, O'PAKE,
ANDREZESKI, LINCOLN AND LEWIS, FEBRUARY 4, 1983

AS AMENDED ON SECOND CONSIDERATION, OCTOBER 17, 1983

AN ACT

1 Providing for safe drinking water; imposing powers and duties on
2 the Department of Environmental Resources in relation
3 thereto; and appropriating certain Federal funds.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pennsylvania
10 Safe Drinking Water Act.

11 Section 2. Legislative findings and declaration.

12 (a) Findings.--The General Assembly finds and declares that:

13 (1) An adequate supply of safe, pure drinking water is
14 essential to the public health, safety and welfare and that
15 such a supply is an important natural resource in the
16 economic development of the Commonwealth.

17 (2) The Federal Safe Drinking Water Act provides a
18 comprehensive framework for regulating the collection,
19 treatment, storage and distribution of potable water.

20 (3) It is in the public interest for the Commonwealth to
21 assume primary enforcement responsibility under the Federal
22 Safe Drinking Water Act.

23 (b) Declaration.--It is the purpose of this act to further
24 the intent of section 27, Article I of the Constitution of
25 Pennsylvania by:

26 (1) Establishing a State program to assure the provision
27 of safe drinking water to the public by establishing drinking
28 water standards and developing a State program to implement
29 and enforce the standards.

30 (2) Developing a process for implementing plans for the

1 provision of safe drinking water in emergencies.

2 (3) Providing public notice of potentially hazardous
3 conditions that may exist in a water supply.

4 Section 3. Definitions.

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

8 "Administrator." The Administrator of the United States
9 Environmental Protection Agency or his authorized
10 representative.

11 "COMMUNITY WATER SYSTEM." A PUBLIC WATER SYSTEM WHICH SERVES <—
12 AT LEAST 15 SERVICE CONNECTIONS USED BY YEAR-ROUND RESIDENTS OR
13 REGULARLY SERVES AT LEAST 25 YEAR-ROUND RESIDENTS.

14 "Contaminant." Any physical, chemical, biological or
15 radiological substance or matter in water.

16 "Department." The Department of Environmental Resources.

17 "Drinking water standards." Any requirements established by
18 the National Primary Drinking Water Regulations and National
19 Secondary Drinking Water Regulations or any State regulations
20 adopted pursuant to this act.

21 "Environmental Hearing Board." The board established
22 pursuant to section 1921-A of the act of April 9, 1929 (P.L.177,
23 No.175), known as The Administrative Code of 1929, for the
24 purposes set forth in that section.

25 "Environmental Quality Board." The board established
26 pursuant to section 1920-A of The Administrative Code of 1929,
27 for the purposes set forth in that section.

28 "Federal Act." The Federal Safe Drinking Water Act, as
29 amended, (Public Law 93-593, 42 U.S.C. § 300(f) et seq.).

30 "Maximum contaminant level." The maximum permissible level

1 of a contaminant in water which is delivered to any user of a
2 public water system.

3 "National primary drinking water regulations." Primary
4 drinking water regulations promulgated by the administrator
5 pursuant to the Federal act.

6 "National secondary drinking water regulations." Secondary
7 drinking water regulations promulgated by the administrator
8 pursuant to the Federal act.

9 "NONCOMMUNITY WATER SYSTEM." A PUBLIC WATER SYSTEM THAT IS
10 NOT A COMMUNITY WATER SYSTEM. <—

11 "Person." Any individual, partnership, association, company,
12 corporation, municipality, municipal authority, political
13 subdivision or any agency of Federal or State government. When
14 used in any clause prescribing and imposing a penalty, or
15 imposing a fine or imprisonment, or both, the term "person"
16 shall not exclude the members of an association and the
17 ~~directors~~, officers or agents of a corporation. <—

18 "Public water system." A system for the provision to the
19 public of water for human consumption which has at least 15
20 service connections or regularly serves an average of at least
21 25 individuals daily at least 60 days out of the year. The term
22 includes:

23 (1) Any collection, treatment, storage and distribution
24 facilities under control of the operator of such system and
25 used in connection with such system.

26 (2) Any collection or pretreatment storage facilities
27 not under such control which are used in connection with such
28 a system.

29 (3) A system which provides water for bottling or bulk
30 ~~handling~~ HAULING for human consumption. <—

1 "Secretary." The Secretary of the Department of
2 Environmental Resources.

3 "State agency." Any State department, board, commission or
4 agency other than the Department of Environmental Resources.

5 "Supplier of water." Any person who owns or operates a
6 public water system.

7 Section 4. Powers and duties of Environmental Quality Board.

8 (a) Board to establish standards, rules and regulations.--

9 The Environmental Quality Board shall have the power and its
10 duty shall be to adopt such rules and regulations of the
11 department, as it deems necessary for the implementation of the
12 provisions of this act. The drinking water standards shall be no
13 less and no more stringent than the National Primary Drinking
14 Water Regulations and shall be no more stringent than the
15 National Secondary Drinking Water Regulations.

16 (b) Applicability of rules and regulations.--Rules and
17 regulations shall apply to each public water system in the
18 Commonwealth except that such rules and regulations shall not
19 apply to a public water system which:

20 (1) consists only of distribution and storage facilities
21 and which does not have any collection and treatment
22 facilities;

23 (2) obtains all of its water from, but is not owned or
24 operated by, a public water system to which such standards,
25 rules and regulations apply;

26 (3) does not sell water to any person; and

27 (4) does not provide water for potable purposes to any
28 carrier which conveys passengers in interstate commerce.

29 (c) Fees to be established.--The Environmental Quality Board
30 shall establish fees for permit applications, laboratory

1 certification and other services. Such fees shall bear a
2 reasonable relationship to the ~~cost of administering this act~~ <—
3 ACTUAL COST OF PROVIDING A SERVICE. <—

4 Section 5. Powers and duties of department.

5 (a) State to assume primary enforcement.--The department
6 shall adopt and implement a public water supply program which
7 includes, but is not limited to, those program elements
8 necessary to assume State primary enforcement responsibility
9 under the Federal act.

10 (b) Department to establish compliance procedures.--The
11 department shall develop and implement procedures as may be
12 necessary and appropriate in order to obtain compliance with
13 this act or the rules and regulations promulgated, or permits
14 issued hereunder. Such procedures shall include, but not be
15 limited to:

16 (1) Monitoring and inspection.

17 (2) Maintaining an inventory of public water systems in
18 the Commonwealth.

19 (3) A systematic program for conducting sanitary surveys
20 of public water systems throughout the Commonwealth.

21 (4) The establishment and maintenance of a program for
22 the certification of laboratories conducting analytical
23 measurements of drinking water contaminants specified in the
24 drinking water standards; and the assurance of the
25 availability to the department of laboratory facilities
26 certified by the administrator and capable of performing
27 analytical measurements of all contaminants specified in the
28 drinking water standards.

29 (5) The establishment and maintenance of a permit
30 program concerning plans and specifications for the design

1 and construction of new or substantially modified public
2 water systems, which program:

3 (i) Requires all such plans and specifications, or
4 either, to be first approved by the department before any
5 work thereunder shall be commenced.

6 (ii) Requires that all such projects are designed to
7 comply with any rules and regulations of the department
8 concerning their construction and operation; and once
9 completed will be capable of compliance with the drinking
10 water standards; and will deliver water with sufficient
11 volume and pressure to the users of such systems.

12 (c) Department to enforce drinking water standards.--The
13 department shall have the power and its duties shall be to issue
14 such orders and initiate such proceedings as may be necessary
15 and appropriate for the enforcement of drinking water standards,
16 any other provision of law notwithstanding. These actions shall
17 include but are not limited to the following:

18 (1) To institute in a court of competent jurisdiction,
19 proceedings against any person to compel compliance with the
20 provisions of this act, or the rules and regulations
21 promulgated or conditions of permit issued hereunder.

22 (2) To initiate criminal prosecutions, including
23 issuance of summary citations by agents of the department.

24 (3) To do any and all things and actions not
25 inconsistent with any provision of this act for the effective
26 enforcement of this act, rules and regulations or permits
27 issued hereunder.

28 (d) Department to keep records.--The department shall keep
29 such records and make such reports as may be required by
30 regulations established by the administrator pursuant to the

1 Federal act.

2 (e) Department may require information from public water
3 systems.--The department may require any public water system to
4 install, use and maintain such monitoring equipment and methods
5 to perform such sampling, to maintain and retain such records of
6 information from monitoring and sampling activities, to submit
7 such reports of monitoring and sampling results and to provide
8 such other information as may be required to determine
9 compliance or noncompliance with this act or with regulations
10 promulgated pursuant to this act.

11 (f) Department has right to enter premises.--The department
12 and its agents shall have the right to enter any premise UNDER <—
13 THE CONTROL OF THE PUBLIC WATER SYSTEM upon presentation of
14 appropriate credentials at any reasonable time in order to
15 determine compliance with this act, and to that end may test,
16 inspect or sample any feature of a public water system and
17 inspect, copy or photograph any monitoring equipment or other
18 feature of a public water system, or records required to be kept
19 under provisions of this act.

20 (g) Search warrants.--An agent or employee of the department
21 may apply for a search warrant to any Commonwealth official
22 authorized to issue a search warrant for the purposes of
23 inspecting or examining any property, building, premise, place,
24 book, record or other physical evidence, of conducting tests or
25 taking samples. Such warrant shall be issued upon probable
26 cause. It shall be sufficient probable cause to show any of the
27 following:

28 (1) the inspection, examination, test or sampling is
29 pursuant to a general administrative plan to determine
30 compliance with this act;

1 (2) the agent or employee has reason to believe that a
2 violation of this act has occurred or may occur; or

3 (3) the agent or employee has been refused access to the
4 property, building, premise, place, book, record or physical
5 evidence, or has been prevented from conducting tests or
6 taking samples.

7 (h) Additional authority of the department.--The department
8 is authorized to:

9 (1) Enter into agreements, contracts, or cooperative
10 arrangements under such terms and conditions as may be deemed
11 appropriate with other State agencies, Federal agencies,
12 interstate compact agencies, political subdivisions or other
13 persons, including agreements with ~~county~~ LOCAL health <—
14 departments to delegate one or more of its regulatory
15 functions to inspect, monitor and enforce the act and
16 drinking water standards. THE DEPARTMENT SHALL MONITOR AND <—
17 SUPERVISE ACTIVITIES OF EACH LOCAL HEALTH DEPARTMENT
18 CONDUCTED PURSUANT TO SUCH AN AGREEMENT, FOR CONSISTENCY WITH
19 THE DEPARTMENT'S RULES, REGULATIONS AND POLICIES. A LOCAL
20 HEALTH DEPARTMENT MAY REQUEST THAT THE DEPARTMENT INITIATE AN
21 AGREEMENT OR CONTRACT WITH THAT LOCAL HEALTH DEPARTMENT FOR
22 THE DELEGATION OF ONE OR MORE OF THE DEPARTMENT'S REGULATORY
23 FUNCTIONS UNDER THIS ACT.

24 (2) Receive financial and technical assistance from the
25 Federal Government and other public or private agencies
26 appropriate.

27 (3) Establish fiscal controls and accounting procedures.

28 (4) Establish and collect fees for conducting
29 inspections, laboratory analyses and certifications as may be
30 necessary.

1 Section 6. Variances.

2 (a) Department may authorize variances.--The department may
3 authorize variances from the regulations issued to this act
4 under conditions and in such manner as are deemed necessary and
5 desirable; provided, however, that such variances shall be
6 granted only upon finding that:

7 (1) Because of characteristics of the raw water sources
8 which are reasonably available, the public water system is
9 unable to comply with such regulations despite application of
10 the best technology, treatment techniques or other means
11 which the department finds are generally available, taking
12 costs into consideration.

13 (2) The granting of the variance will not result in an
14 unreasonable risk to health.

15 Notwithstanding the foregoing, variances may be granted for no
16 longer than five years, subject to one or more renewals of no
17 longer than five years each. Before a variance is granted, the
18 department shall provide public notice and an opportunity for a
19 public hearing.

20 (b) Department may authorize exemptions.--The department may
21 exempt any public water system from any requirement of an
22 applicable drinking water standard upon finding that:

23 (1) due to compelling factors (which may include
24 economic factors), the public water system is unable to
25 comply with such requirements;

26 (2) the public water system was in operation on the
27 effective date of such requirement OR, FOR A SYSTEM THAT WAS
28 NOT IN OPERATION BY THAT DATE, ONLY IF NO REASONABLE
29 ALTERNATIVE SOURCE OF DRINKING WATER IS AVAILABLE TO SUCH A
30 NEW SYSTEM; and

<—

(3) the granting of the exemption will not result in an unreasonable risk to health.

Before an exemption to be granted under this subsection may take effect, the department shall provide notice and opportunity for public hearing on the proposed exemption. All exemptions granted with respect to a contaminant level or treatment technique prescribed by the Federal regulation shall expire on dates prescribed in the Federal act.

(c) Board to adopt regulations governing variances and exemptions.--Before the department shall grant any variance or exemption, the board shall first adopt regulations governing the procedures and conditions under which variances or exemptions may be granted.

Section 7. Permits.

~~(a) Permit required. It shall be unlawful for any person to construct, operate or substantially modify a public water system without first having received a written permit from the department; provided that nothing in this section shall be~~

(A) COMMUNITY WATER SYSTEMS PERMITS REQUIRED.--IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONSTRUCT, OPERATE OR SUBSTANTIALLY MODIFY A COMMUNITY WATER SYSTEM WITHOUT FIRST HAVING RECEIVED A WRITTEN PERMIT FROM THE DEPARTMENT.

(B) NONCOMMUNITY WATER SYSTEMS PERMITS REQUIRED.--IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONSTRUCT, OPERATE OR SUBSTANTIALLY MODIFY A NONCOMMUNITY WATER SYSTEM WITHOUT FIRST HAVING RECEIVED A WRITTEN PERMIT FROM THE DEPARTMENT, UNLESS THE CONSTRUCTION, OPERATION OR MODIFICATION IS OTHERWISE AUTHORIZED UNDER REGULATIONS ADOPTED PURSUANT TO THIS ACT.

(C) NO PERMIT REQUIRED FOR WATERLINE EXTENSIONS.--NOTHING IN THIS SECTION SHALL BE construed to mean that a permit shall be

1 required by the department for waterline extensions to a public
2 water system. However, the public water system must notify the
3 department in writing of such extensions. ~~and the department~~ <—
4 ~~shall modify the existing permit to reflect such a change.~~ THE <—
5 PUBLIC WATER SYSTEM SHALL MAINTAIN RECORDS OF WATERLINE
6 EXTENSIONS AND SHALL MAKE SUCH RECORDS AVAILABLE TO THE
7 DEPARTMENT UPON REQUEST.

8 ~~(b)~~ (D) Applications.--Applications for permits shall be <—
9 submitted in writing to the department in such form and with
10 such accompanying data as shall be prescribed by the department,
11 and shall include maps, drawing specifications and designers'
12 reports prepared by a professional engineer, registered to
13 practice in Pennsylvania.

14 ~~(e)~~ (E) Permit fee.--Each application shall be accompanied <—
15 by a permit fee established by regulations under this act.

16 ~~(d)~~ (F) Permits issued under prior law.--Any permits issued <—
17 prior to the effective date of this act, under the act of April
18 22, 1905 (P.L.260, No.182), entitled "An act to preserve the
19 purity of the waters of the State, for the protection of the
20 public health," and the act of April 9, 1929 (P.L.177, No.175),
21 known as The Administrative Code of 1929, shall be deemed a
22 permit issued pursuant to this act.

23 ~~(e)~~ (G) Conditions may be included in permit.--The <—
24 department may include in each permit general and specific
25 conditions to insure the proper operation of the public water
26 system and the furnishing of an adequate, safe and potable
27 supply of water.

28 ~~(f)~~ (H) Permit not transferable.--No permit may be <—
29 transferred without written approval by the department.

30 ~~(g)~~ (I) Permit may be denied, etc.--The department may deny, <—

1 revoke, suspend, limit or modify a permit due to a finding that
2 the continued operation of a public water system is prejudicial
3 to the public health.

4 Section 8. Inspections and recordkeeping requirements.

5 (a) Department authorized to inspect, test, etc.--The
6 department is authorized to make inspections and conduct tests
7 or sampling, including the examination and copying of books,
8 papers, records and data, pertinent to any matter under
9 investigation in order to determine compliance with this act and
10 for this purpose, the duly authorized agents and employees of
11 the department are authorized at all reasonable times to enter
12 and examine any property, facility, operation or activity.

13 (b) Department authorized to establish recordkeeping
14 requirements.--The department and its agents are authorized to
15 require any supplier of water to establish and maintain such
16 records and make such reports and furnish such information as
17 the department may prescribe AS BEING NECESSARY TO DEMONSTRATE <—
18 THAT THE SUPPLIER IS COMPLYING WITH THE REQUIREMENTS OF THIS ACT
19 AND WITH THE TERMS AND CONDITIONS OF ITS WATER SUPPLY PERMIT.

20 Section 9. Laboratories.

21 (a) Department to establish standards of performance.--The
22 department shall establish standards of performance, by rule or
23 regulation, for laboratories and laboratory officers which
24 conduct analytical measurements for the purpose of ascertaining
25 compliance by public water systems, including bottled and bulk
26 water operations, with the requirements of this act.

27 (b) Items to be included in standards.--Such standards may
28 include, but are not limited to, equipment, laboratory
29 procedures, standards for analytical methods, quality control,
30 staffing, records, reports and any other matters that may affect

1 the quality and reliability of laboratory performance.

2 (c) Laboratories to be inspected.--The department shall
3 periodically inspect and certify laboratories and laboratory
4 offices that meet the standards established under subsection
5 (a).

6 Section 10. Emergencies and imminent hazards.

7 (a) Plan to be promulgated for emergencies.--The department,
8 in conjunction with the Pennsylvania Emergency Management
9 Agency, shall promulgate with the approval of the board, an
10 adequate plan for the provision of safe drinking water under
11 emergency circumstances. When in the judgment of the department
12 an emergency exists which poses a danger to the public health,
13 the department shall notify the Pennsylvania Emergency
14 Management Agency. The Pennsylvania Emergency Management Agency
15 and the department may take such actions and issue such orders
16 as may be necessary to implement the plan and to assure that
17 safe drinking water is available.

18 (b) Department may order temporary emergency actions.--The
19 department, upon receipt of information that a contaminant which
20 is present in or is likely to enter a public water system may
21 present an imminent and substantial risk to the health of
22 persons, may take or order a public water system to take such
23 temporary emergency actions as it deems necessary in order to
24 protect the health of such persons.

25 (c) Department may implement emergency measures.--The
26 department shall be authorized to implement whatever measures
27 may be necessary and appropriate to notify the public of an
28 emergency or imminent hazard and to assess costs of notification
29 on the responsible water supplier.

30 Section 11. Public notification.

1 (a) General rule.--The permittee of a public water supply
2 system shall, as soon as practicable, give public notification
3 whenever the public water supply system:

4 (1) is not in compliance with the regulations adopted to
5 comply with National Primary Drinking Water Regulations;

6 (2) fails to perform monitoring as required by the
7 drinking water standards;

8 (3) is subject to a variance granted for an inability to
9 meet a maximum contaminant level requirement;

10 (4) is subject to an exemption; or

11 (5) fails to comply with the requirements prescribed by
12 a variance or exemption.

13 (b) Newspaper notice.--Such notice shall be given by the
14 permittee by publication in a newspaper of general circulation
15 within the area served by such water system at least once every
16 three months so long as the violation, variance or exemption
17 continues.

18 (c) Direct notice.--Such notice shall also be given with the
19 water bills or in writing to the customer at least once every
20 three months so long as the violation, variance or exemption
21 continues.

22 (d) Alternate notice.--The department may prescribe
23 alternative notice requirements for violations of other
24 regulations adopted pursuant to this act.

25 Section 12. Public nuisances.

26 (a) Violation constitutes a public nuisance.--Any violation
27 of any provision of this act, any rule or regulation of the
28 department, any order of the department, or any term or
29 condition of any permit, shall constitute a public nuisance. Any
30 person or municipality committing such a violation shall be

1 liable for the costs of abatement of any pollution and any
2 public nuisance caused by such violation. The Environmental
3 Hearing Board and any court of competent jurisdiction is hereby
4 given jurisdiction over actions to recover the costs of such
5 abatement.

6 (b) Abatement of violation.--Any activity or condition
7 declared by this act to be a nuisance or which is otherwise in
8 violation of this act, shall be abatable in the manner provided
9 by law or equity for the abatement of public nuisances. In
10 addition, the department may proceed in equity to abate such
11 nuisances or to restrain or prevent any violation of this act.

12 Section 13. Penalties and remedies.

13 (a) Duty to comply with orders of the department.--It shall
14 be the duty of any person to proceed diligently to comply with
15 any order issued pursuant to section 5. If such person fails to
16 proceed diligently or fails to comply with the order within such
17 time, if any, as may be specified, the person shall be guilty of
18 contempt and shall be punished by the court in an appropriate
19 manner and for this purpose, application may be made by the
20 department to the Commonwealth Court, which court is hereby
21 granted jurisdiction.

22 (b) Civil action to compel compliance.--Any person having an
23 interest which is or may be adversely affected may commence a
24 civil action on his own behalf to compel compliance with this
25 act or any rule, regulation, order or permit issued pursuant to
26 this act:

27 (1) against the department where there is alleged a
28 failure of the department to perform any act which is not
29 discretionary with the department. Jurisdiction for such
30 actions is in Commonwealth Court; or

1 (2) against any other person alleged to be in violation
2 of any provision of this act or any rule, regulation, order
3 or permit issued pursuant to this act. Any other provision of
4 law to the contrary notwithstanding, the courts of common
5 pleas shall have jurisdiction of such actions and venue in
6 such actions shall be as set forth in the Rules of Civil
7 Procedure concerning actions in assumpsit.

8 (c) Summary offense.--Any person who violates any provision
9 of this act, or any rule or regulation of the department, any
10 order of the department, or any condition of any permit of the
11 department issued pursuant to this act, is guilty of a summary
12 offense and, upon conviction, shall be subject to a fine of not
13 less than \$50 nor more than \$5,000, and costs, for each separate
14 offense and, in default of the payment of such fine or costs, a
15 person shall be imprisoned for not less than 30 days nor more
16 than 90 days.

17 (d) Misdemeanor of the third degree.--Any person who
18 willfully or negligently violates any provision of this act, any
19 rule or regulation of the department, any order of the
20 department, or any condition of any permit issued pursuant to
21 the act is guilty of a misdemeanor of the third degree and, upon
22 conviction, shall be subject to a fine of not less than \$1,250
23 nor more than \$12,500 for each separate offense or to
24 imprisonment for a period of not more than one year, or both.

25 (e) Misdemeanor of the second degree.--Any person who, after
26 a conviction of a misdemeanor for any violation within two years
27 as above provided, willfully or negligently violates any
28 provision of this act, any rule or regulation of the department,
29 any order of the department, or any condition of any permit
30 issued pursuant to this act is guilty of a misdemeanor of the

1 second degree and, upon conviction, shall be subject to a fine
2 of not less than \$1,250 nor more than \$25,000 for each offense
3 or to imprisonment for a period of not more than two years, or
4 both.

5 (f) Civil penalties.--In addition to proceeding under any
6 other remedy available at law or in equity for a violation of
7 any provision of this act, any rule or regulation of the
8 department or order of the department or any term or condition
9 of any permit issued by the department, the department may
10 assess a civil penalty upon a person for such violation. Such a
11 penalty may be assessed whether or not the violation was willful
12 or negligent. When the department assesses a civil penalty, it
13 shall inform the person of the amount of the penalty. The person
14 charged with the penalty shall then have 30 days to pay the
15 penalty in full or, if the person wishes to contest either the
16 amount of the penalty or the fact of the violation, the person
17 shall within the 30-day period, file an appeal of the action
18 with the Environmental Hearing Board. Failure to appeal within
19 30 days shall result in a waiver of all legal rights to contest
20 the violation or the amount of the penalty. The maximum civil
21 penalty which may be assessed pursuant to this section is \$5,000
22 per day for each violation. Each violation for each separate day
23 and each violation of any provision of this act, any rule or
24 regulation under this act, any order to the department or any
25 term or condition of the permit shall ~~cause through the~~ <—
26 CONSTITUTE A separate and distinct offense under this section. <—

27 (g) Penalties to be concurrent.--The penalties and remedies
28 prescribed by this act shall be deemed concurrent and the
29 existence of or exercise of any remedy shall not prevent the
30 department from exercising any other remedy hereunder, at law or

1 in equity.

2 (h) Separate offenses.--Violations on separate days shall
3 constitute separate offenses for purposes of this act.

4 Section 14. Safe Drinking Water Fund.

5 All fines and penalties collected under the penalty
6 provisions of this act and all permit fees shall be paid into
7 the State Treasury in a special fund known as the Safe Drinking
8 Water Fund which shall be administered by the department for use
9 in protecting the public from the hazards of unsafe drinking
10 water.

11 Section 15. Continuation of existing rules and regulations.

12 All rules and regulations promulgated pursuant to any
13 statutes repealed by this act are continued in full force and
14 effect until superseded and repealed by rules and regulations
15 promulgated pursuant to this act.

16 Section 16. Appropriations of Federal money.

17 The following Federal augmentation amounts, or as much
18 thereof as may be necessary, are hereby specifically
19 appropriated to supplement the sum appropriated from
20 Commonwealth revenues for general government operations of the
21 Department of Environmental Resources:

22 (1) The sum of \$1,100,000 for the Safe Drinking Water
23 Act for implementation of the Safe Drinking Water Program.

24 (2) The sum of \$100,000 for the Safe Drinking Water Act
25 for administration in support of the Safe Drinking Water
26 Program.

27 SECTION 17. ADMINISTRATION OF GRANTS.

<—

28 FOR PURPOSES OF THE ADMINISTRATION OF GRANTS TO LOCAL HEALTH
29 DEPARTMENTS FOR ENVIRONMENTAL SERVICES PURSUANT TO THE ACT OF
30 AUGUST 24, 1951 (P.L.1304, NO.315), KNOWN AS THE LOCAL HEALTH

1 ADMINISTRATION LAW, THIS ACT SHALL BE DEEMED TO BE THE SUCCESSOR
2 TO THE ACT OF APRIL 22, 1905 (P.L.260, NO.182), ENTITLED "AN ACT
3 TO PRESERVE THE PURITY OF THE WATERS OF THE STATE, FOR THE
4 PROTECTION OF THE PUBLIC HEALTH." A LOCAL HEALTH DEPARTMENT
5 SHALL BE DEEMED TO HAVE SATISFIED THE MINIMUM PROGRAM ACTIVITIES
6 FOR WATER SUPPLY PROGRAMS IF IT UNDERTAKES THOSE ACTIVITIES WITH
7 REFERENCE TO THIS ACT AND ANY REGULATIONS ADOPTED HEREUNDER. THE
8 DEPARTMENT OF HEALTH SHALL AMEND THE REGULATIONS RELATING TO
9 STANDARDS FOR ENVIRONMENTAL HEALTH SERVICES TO REFLECT THE
10 PROVISIONS OF THIS ACT, INCLUDING THE REPEALS MADE HEREUNDER. TO
11 THE EXTENT THAT PUBLIC WATER SUPPLY PROGRAM RESPONSIBILITIES
12 DELEGATED BY THE DEPARTMENT PURSUANT TO AN AGREEMENT WITH A
13 LOCAL HEALTH DEPARTMENT EXCEED THOSE ACTIVITIES REQUIRED FOR
14 ELIGIBILITY FOR THE LOCAL HEALTH DEPARTMENT GRANT PROGRAMS, THE
15 DEPARTMENT IS AUTHORIZED TO EXPEND FUNDS APPROPRIATED TO THIS
16 PROGRAM FOR THE PURPOSE OF ASSISTING LOCAL HEALTH DEPARTMENTS TO
17 CARRY OUT THOSE ADDITIONAL ACTIVITIES.

18 Section ~~17~~ 18. Repeals.

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19 The following acts are repealed:

20 Act of April 22, 1905 (P.L.260, No.182), entitled "An act to
21 preserve the purity of the waters of the State, for the
22 protection of the public health."

23 Act of April 30, 1929 (P.L.897, No.396), entitled "An act
24 regulating the manufacturing, bottling, and selling of certain
25 waters, and requiring permits therefor; prescribing the
26 authority of the Department of Health and of local boards of
27 health and health officers with respect thereto; and providing
28 penalties."

29 Section ~~18~~ 19. Effective date.

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30 (a) The provisions in section 3, section 4, section 5(a) and

1 (b) and section 16 shall take effect immediately.

2 (b) The remaining provisions of this act, including the
3 repealer provisions of section ~~17~~ 18, shall be effective upon
4 publication in the Pennsylvania Bulletin of the notice of the
5 pertinent adopted regulations.

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