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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**  
**No. 201**      Session of  
1983

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

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AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 13, 1984

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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 funds.

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

10 Section 1. Short title.

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

13 Section 2. Legislative findings and declaration.

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

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

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

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

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

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

1 and enforce the standards.

2 (2) Developing a process for implementing plans for the  
3 provision of safe drinking water in emergencies.

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

6 Section 3. Definitions.

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

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

13 "Community water system." A public water system which serves  
14 at least 15 service connections used by year-round residents or  
15 regularly serves at least 25 year-round residents.

16 "Contaminant." Any physical, chemical, biological or  
17 radiological substance or matter in water.

18 "Department." The Department of Environmental Resources.

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

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

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

30 "Federal Act." The Federal Safe Drinking Water Act, as

1 amended, (Public Law 93-593, 42 U.S.C. § 300(f) et seq.).

2 "Maximum contaminant level." The maximum permissible level  
3 of a contaminant in water which is delivered to any user of a  
4 public water system.

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

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

11 "Noncommunity water system." A public water system that is  
12 not a community water system.

13 "Person." Any individual, partnership, association, company,  
14 corporation, municipality, municipal authority, political  
15 subdivision or any agency of Federal or State government. ~~When~~ <—  
16 ~~used in any clause prescribing and imposing a penalty, or~~  
17 ~~imposing a fine or imprisonment, or both, the term "person"~~  
18 ~~shall not exclude the members of an association and the officers~~  
19 ~~or agents of a corporation.~~ THE TERM SHALL INCLUDE THE OFFICERS, <—  
20 DIRECTORS, EMPLOYEES AND AGENTS OF ANY PARTNERSHIP, ASSOCIATION,  
21 COMPANY, CORPORATION, MUNICIPALITY, MUNICIPAL AUTHORITY,  
22 POLITICAL SUBDIVISION OR ANY AGENCY OF FEDERAL OR STATE  
23 GOVERNMENT.

24 "Public water system." A system for the provision to the  
25 public of water for human consumption which has at least 15  
26 service connections or regularly serves an average of at least  
27 25 individuals daily at least 60 days out of the year. The term  
28 includes:

29 (1) Any collection, treatment, storage and distribution  
30 facilities under control of the operator of such system and

1 used in connection with such system.

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

5 (3) A system which provides water for bottling or bulk  
6 hauling for human consumption.

7 "Secretary." The Secretary of the Department of  
8 Environmental Resources.

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

11 "Supplier of water." Any person who owns or operates a  
12 public water system.

13 "TREATMENT TECHNIQUE." A REQUIREMENT WHICH SPECIFIES FOR A <—  
14 CONTAMINANT A SPECIFIC TREATMENT METHOD WHICH IS KNOWN TO CAUSE  
15 A REDUCTION IN THE LEVEL OF THE CONTAMINANT. A TREATMENT  
16 TECHNIQUE MAY BE REQUIRED FOR CONTAMINANTS WHICH CANNOT  
17 PRACTICALLY BE REGULATED BY ESTABLISHING A MAXIMUM CONTAMINANT  
18 LEVEL.

19 "WATER FACILITIES LOAN BOARD." THE BOARD ESTABLISHED  
20 PURSUANT TO SECTION 7504 OF THE ACT OF JUNE 22, 1982 (P.L.577,  
21 NO.167), KNOWN AS THE WATER FACILITIES RESTORATION ACT, FOR THE  
22 PURPOSE SET FORTH IN THAT ACT.

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

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

25 The Environmental Quality Board shall have the power and its  
26 duty shall be to adopt such rules and regulations of the

27 department, ~~as it deems necessary for the implementation of the~~ <—

28 ~~provisions of this act. The drinking water standards shall be no~~

29 ~~less and no more stringent than the National Primary Drinking~~

30 ~~Water Regulations and shall be no more stringent than the~~

1 ~~National Secondary Drinking Water Regulations.~~ GOVERNING THE  
2 PROVISION OF DRINKING WATER TO THE PUBLIC, AS IT DEEMS NECESSARY  
3 FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS ACT. THE BOARD  
4 SHALL ADOPT MAXIMUM CONTAMINANT LEVELS AND TREATMENT TECHNIQUE  
5 REQUIREMENTS NO LESS STRINGENT THAN THOSE PROMULGATED UNDER THE  
6 FEDERAL ACT FOR ALL CONTAMINANTS REGULATED UNDER THE NATIONAL  
7 PRIMARY AND SECONDARY DRINKING WATER REGULATIONS. THE BOARD MAY  
8 ADOPT MAXIMUM CONTAMINANT LEVELS OR TREATMENT TECHNIQUE  
9 REQUIREMENTS FOR ANY CONTAMINANT THAT A MAXIMUM CONTAMINANT  
10 LEVEL OR TREATMENT TECHNIQUE REQUIREMENT HAS NOT BEEN  
11 PROMULGATED UNDER THE NATIONAL PRIMARY AND SECONDARY DRINKING  
12 WATER REGULATIONS.

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

17 (1) consists only of distribution and storage facilities  
18 and which does not have any collection and treatment  
19 facilities;

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

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

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

26 (c) Fees to be established.--The Environmental Quality Board  
27 shall establish fees for permit applications, laboratory  
28 certification and other services. Such fees shall bear a  
29 reasonable relationship to the actual cost of providing a  
30 service.

1 Section 5. Powers and duties of department.

2 (a) State to assume primary enforcement.--The department  
3 shall adopt and implement a public water supply program which  
4 includes, but is not limited to, those program elements  
5 necessary to assume State primary enforcement responsibility  
6 under the Federal act. THE PUBLIC WATER SUPPLY PROGRAM SHALL <—  
7 INCLUDE, BUT NOT BE LIMITED TO, MAXIMUM CONTAMINANT LEVELS OR  
8 TREATMENT TECHNIQUE REQUIREMENTS ESTABLISHING DRINKING WATER  
9 QUALITY STANDARDS, MONITORING, REPORTING, RECORDKEEPING AND  
10 ANALYTICAL REQUIREMENTS, REQUIREMENTS FOR PUBLIC NOTIFICATION,  
11 STANDARDS FOR CONSTRUCTION, OPERATION AND MODIFICATIONS TO  
12 PUBLIC WATER SYSTEMS, EMERGENCY PROCEDURES, STANDARDS FOR  
13 LABORATORY CERTIFICATION, AND COMPLIANCE AND ENFORCEMENT  
14 PROCEDURES.

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

21 (1) Monitoring and inspection.

22 (2) Maintaining an inventory of public water systems in  
23 the Commonwealth.

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

26 (4) The establishment and maintenance of a program for  
27 the certification of laboratories conducting analytical  
28 measurements of drinking water contaminants specified in the  
29 drinking water standards; and the assurance of the  
30 availability to the department of laboratory facilities

1 certified by the administrator and capable of performing  
2 analytical measurements of all contaminants specified in the  
3 drinking water standards.

4 (5) The establishment and maintenance of a permit  
5 program concerning plans and specifications for the design  
6 and construction of new or substantially modified public  
7 water systems, which program:

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

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

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

23 (1) To institute in a court of competent jurisdiction,  
24 proceedings against any person to compel compliance with the  
25 provisions of this act, or the ~~rules and regulations~~ <—  
26 ~~promulgated~~ DRINKING WATER STANDARDS or conditions of ~~permit~~ <—  
27 PERMITS issued hereunder. <—

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

30 (3) To do any and all things and actions not



1 inconsistent with any provision of this act for the effective  
2 enforcement of this act, rules and regulations or permits  
3 issued hereunder.

4 (d) Department to keep records.--The department shall keep  
5 such records and make such reports as may be required by  
6 regulations established by the administrator pursuant to the  
7 Federal act.

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

17 (f) Department has right to enter premises.--The department  
18 and its agents shall have the right to enter any premise under  
19 the control of the public water system upon presentation of  
20 appropriate credentials at any reasonable time in order to  
21 determine compliance with this act, and to that end may test,  
22 inspect or sample any feature of a public water system and  
23 inspect, copy or photograph any monitoring equipment or other  
24 feature of a public water system, or records required to be kept  
25 under provisions of this act.

26 (g) Search warrants.--An agent or employee of the department  
27 may apply for a search warrant to any Commonwealth official  
28 authorized to issue a search warrant for the purposes of  
29 inspecting or examining any property, building, premise, place,  
30 book, record or other physical evidence, of conducting tests or

1 taking samples. Such warrant shall be issued upon probable  
2 cause. It shall be sufficient probable cause to show any of the  
3 following:

4 (1) the inspection, examination, test or sampling is  
5 pursuant to a general administrative plan to determine  
6 compliance with this act;

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

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

13 (h) Additional authority of the department.--The department  
14 is authorized to:

15 (1) Enter into agreements, contracts, or cooperative  
16 arrangements under such terms and conditions as may be deemed  
17 appropriate with other State agencies, Federal agencies,  
18 interstate compact agencies, political subdivisions or other  
19 persons, including agreements with local health departments  
20 to delegate one or more of its regulatory functions to  
21 inspect, monitor and enforce the act and drinking water  
22 standards. The department shall monitor and supervise  
23 activities of each local health department conducted pursuant  
24 to such an agreement, for consistency with the department's  
25 rules, regulations and policies. A local health department  
26 may request that the department initiate an agreement or  
27 contract with that local health department for the delegation  
28 of one or more of the department's regulatory functions under  
29 this act.

30 (2) Receive financial and technical assistance from the

1 Federal Government and other public or private agencies WHERE <—  
2 appropriate.

3 (3) Establish fiscal controls and accounting procedures.

4 (4) Establish and collect fees for conducting  
5 inspections, laboratory analyses and certifications as may be  
6 necessary.

7 Section 6. Variances AND EXEMPTIONS. <—

8 (a) Department may authorize variances FROM A MAXIMUM <—  
9 CONTAMINANT LEVEL.--The department may authorize variances from  
10 ~~the regulations issued to this act~~ A MAXIMUM CONTAMINANT LEVEL <—  
11 under conditions and in such manner as are deemed necessary and  
12 desirable; provided, however, that such variances shall be  
13 granted only upon finding that:

14 (1) Because of characteristics of the raw water sources  
15 which are reasonably available, the public water system is  
16 unable to comply with such regulations despite application of  
17 the best technology, treatment techniques or other means  
18 which the department finds are generally available, ~~taking~~ <—  
19 ~~costs into consideration.~~

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

22 Notwithstanding the foregoing, variances may be granted for no  
23 longer than ~~five~~ TWO years, subject to one or more renewals of <—  
24 no longer than ~~five~~ TWO years each. ~~Before a variance is~~ <—  
25 ~~granted, the department shall provide public notice and an~~  
26 ~~opportunity for a public hearing.~~

27 (B) VARIANCES FROM TREATMENT TECHNIQUE REQUIREMENTS.--THE <—  
28 DEPARTMENT MAY AUTHORIZE VARIANCES FROM A TREATMENT TECHNIQUE  
29 REQUIRED UNDER THE DRINKING WATER STANDARDS IF THE PUBLIC WATER  
30 SYSTEM APPLYING FOR THE VARIANCE DEMONSTRATES TO THE

1 SATISFACTION OF THE DEPARTMENT THAT THE TREATMENT TECHNIQUE IS  
2 NOT NECESSARY TO PROTECT THE HEALTH OF PERSONS BECAUSE OF THE  
3 NATURE OF THE RAW WATER SOURCES OF THE SYSTEM.

4 ~~(b)~~ (C) Department may authorize exemptions.--The department <—  
5 may exempt any public water system from any requirement of an  
6 applicable drinking water standard upon finding that:

7 (1) due to compelling factors ~~(which may include~~ <—  
8 ~~economic factors)~~, the public water system is unable to  
9 comply with such requirements;

10 (2) the public water system was in operation on the  
11 effective date of such requirement or, for a system that was  
12 not in operation by that date, only if no reasonable  
13 alternative source of drinking water is available to such a  
14 new system; and

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

17 ~~Before an exemption to be granted under this subsection may take~~ <—  
18 ~~effect, the department shall provide notice and opportunity for~~  
19 ~~public hearing on the proposed exemption.~~ All exemptions granted  
20 with respect to a contaminant level or treatment technique  
21 prescribed by the Federal regulation shall expire ~~on~~ NO LATER <—  
22 THAN THE dates prescribed in the Federal act.

23 (D) PUBLIC NOTICE.--THE DEPARTMENT SHALL PROVIDE PUBLIC <—  
24 NOTICE OF A REQUEST FOR A VARIANCE OR EXEMPTION PROVIDED FOR IN  
25 SUBSECTIONS (A), (B) AND (C). THIS NOTICE SHALL PROVIDE FOR AT  
26 LEAST A 30-DAY PUBLIC COMMENT PERIOD AND A PUBLIC HEARING BEFORE  
27 A VARIANCE OR EXEMPTION IS GRANTED.

28 ~~(e)~~ (E) Board to adopt regulations governing variances and <—  
29 exemptions.--Before the department shall grant any variance or  
30 exemption, the board shall first adopt regulations governing the

1 procedures and conditions under which variances or exemptions  
2 may be granted.

3 Section 7. Permits.

4 (a) Community water systems permits required.--It shall be  
5 unlawful for any person to construct, operate or substantially  
6 modify a community water system without first having received a  
7 written permit from the department. A SUBSTANTIAL MODIFICATION <—  
8 IS ONE WHICH MAY AFFECT QUALITY OR QUANTITY OF WATER SERVED TO  
9 THE PUBLIC OR MAY BE PREJUDICIAL TO THE PUBLIC HEALTH OR SAFETY.

10 (b) Noncommunity water systems permits required.--It shall  
11 be unlawful for any person to construct, operate or  
12 substantially modify a noncommunity water system without first  
13 having received a written permit from the department., ~~unless~~ <—  
14 ~~the construction, operation or modification is otherwise~~  
15 ~~authorized under regulations adopted pursuant to this act.~~

16 (c) No permit required for waterline extensions.--Nothing in  
17 this section shall be construed to mean that a permit shall be  
18 required by the department for waterline extensions to a public  
19 water system. ~~However, the public water system must notify the~~ <—  
20 ~~department in writing of such extensions. The public water~~  
21 ~~system shall maintain records of waterline extensions and shall~~  
22 ~~make such records available to the department upon request.~~

23 (D) SYSTEM DISTRIBUTION MAP.--THE PUBLIC WATER SUPPLIER <—  
24 SHALL SUPPLY THE DEPARTMENT WITH A COPY OF ITS SYSTEM  
25 DISTRIBUTION MAP. THE PUBLIC WATER SUPPLIER SHALL SUPPLY UPDATES  
26 OF ITS DISTRIBUTION MAP TO THE DEPARTMENT ANNUALLY.

27 ~~(d)~~ (E) Applications.--Applications for permits shall be <—  
28 submitted in writing to the department in such form and with  
29 such accompanying data as shall be prescribed by the department,  
30 and shall include maps, drawing specifications and designers'

1 reports prepared by a professional engineer, registered to  
2 practice in Pennsylvania. AT THE REQUEST OF THE DEPARTMENT OR <—  
3 ANY PERSON INTENDING TO SUBMIT AN APPLICATION FOR A PERMIT, A  
4 PREAPPLICATION CONFERENCE CAN BE CONDUCTED BETWEEN THE  
5 DEPARTMENT AND THE APPLICANT, THE PURPOSE OF WHICH IS TO  
6 FACILITATE THE FILING OF THE PROPOSED PERMIT APPLICATION IN  
7 COMPLIANCE WITH THIS ACT. A CONFERENCE SHALL BE CONDUCTED  
8 BETWEEN THE DEPARTMENT AND THE APPLICANT AT THE TIME THE  
9 APPLICATION FOR A PERMIT IS SUBMITTED TO THE DEPARTMENT. IF THE  
10 DEPARTMENT DETERMINES THE PERMIT APPLICATION IS INCOMPLETE, IT  
11 SHALL REQUEST SUCH ADDITIONAL INFORMATION IN WRITING FROM THE  
12 APPLICANT WITHIN 90 CALENDAR DAYS OF ITS RECEIPT OF A PERMIT  
13 APPLICATION. THE DEPARTMENT SHALL GRANT OR DENY A PERMIT WITHIN  
14 120 CALENDAR DAYS FROM ITS RECEIPT OF AN APPLICATION OR WITHIN  
15 120 DAYS FROM ITS RECEIPT OF THE WRITTEN RESPONSE FOR ADDITIONAL  
16 INFORMATION.

17 ~~(e)~~ (F) Permit fee.--Each application shall be accompanied <—  
18 by a permit fee established by regulations under this act.

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

26 ~~(g)~~ (H) Conditions may be included in permit.--The <—  
27 department may include in each permit general and specific  
28 conditions to insure the proper operation of the public water  
29 system and the furnishing of an adequate, safe and potable  
30 supply of water.

~~(h)~~ (I) Permit not transferable.--No permit may be transferred without written approval by the department.

~~(i) Permit may be denied, etc. The department may deny, revoke, suspend, limit or modify a permit due to a finding that the continued operation of a public water system is prejudicial to the public health.~~

7 (J) PERMIT ISSUANCE AND CONDITIONS.--THE DEPARTMENT SHALL <—  
8 HAVE THE POWER TO GRANT A PERMIT IF IT DETERMINES THAT THE  
9 PROPOSED WATER SYSTEM IS NOT PREJUDICIAL TO THE PUBLIC HEALTH  
10 AND COMPLIES WITH THE PROVISIONS OF THIS ACT, THE REGULATIONS  
11 ADOPTED HEREUNDER, AND ALL OTHER APPLICABLE LAWS ADMINISTERED BY  
12 THE DEPARTMENT. THE DEPARTMENT MAY IMPOSE SUCH PERMIT TERMS AND  
13 CONDITIONS REGARDING CONSTRUCTION, OPERATION, MAINTENANCE,  
14 INSPECTION AND MONITORING OF THE PROJECT AS ARE NECESSARY TO  
15 ASSURE COMPLIANCE WITH THIS ACT AND OTHER LAWS ADMINISTERED BY  
16 THE DEPARTMENT.

17 (K) PERMIT SUSPENSION, REVOCATION AND MODIFICATION.--THE  
18 DEPARTMENT MAY ISSUE SUCH ORDERS SUSPENDING, REVOKING OR  
19 MODIFYING PERMITS THAT ARE NECESSARY TO CORRECT ANY VIOLATION OF  
20 THIS ACT OR REGULATIONS ADOPTED UNDER THIS ACT, OR FOR  
21 NONCOMPLIANCE WITH A CONDITION OF THE PERMIT, OR UPON A FINDING  
22 OF A CONDITION PREJUDICIAL TO THE PUBLIC HEALTH.

23 Section 8. Inspections and recordkeeping requirements.

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

1 and examine any property, facility, operation or activity.

2 (b) Department authorized to establish recordkeeping  
3 requirements.--The department and its agents are authorized to  
4 require any supplier of water to establish and maintain such  
5 records and make such reports and furnish such information as  
6 the department may prescribe as being necessary to demonstrate  
7 that the supplier is complying with the requirements of this act  
8 and with the terms and conditions of its water supply permit.

9 Section 9. Laboratories.

10 (a) Department to establish standards of performance.--The  
11 department shall establish standards of performance, by rule or  
12 regulation, for laboratories and laboratory officers which  
13 conduct analytical measurements for the purpose of ascertaining  
14 compliance by public water systems, including bottled and bulk  
15 water operations, with the requirements of this act.

16 (b) Items to be included in standards.--Such standards may  
17 include, but are not limited to, equipment, laboratory  
18 procedures, standards for analytical methods, quality control,  
19 staffing, records, reports and any other matters that may affect  
20 the quality and reliability of laboratory performance.

21 (c) Laboratories to be inspected.--The department shall  
22 periodically inspect and certify laboratories and laboratory  
23 offices that meet the standards established under subsection  
24 (a).

25 Section 10. Emergencies and imminent hazards.

26 (a) Plan to be promulgated for emergencies.--The department,  
27 in conjunction with the Pennsylvania Emergency Management  
28 Agency, shall promulgate with the approval of the board, an  
29 adequate plan for the provision of safe drinking water under  
30 emergency circumstances. When in the judgment of the department



1 an emergency exists which poses a danger to the public health,  
2 the department shall notify the Pennsylvania Emergency  
3 Management Agency. The Pennsylvania Emergency Management Agency  
4 and the department may take such actions and issue such orders  
5 as may be necessary to implement the plan and to assure that  
6 safe drinking water is available.

7 (b) Department may order temporary emergency actions.--The  
8 department, upon receipt of information that a contaminant which  
9 is present in or is likely to enter a public water system may  
10 present an imminent and substantial risk to the health of  
11 persons, may take or order a public water system to take such  
12 temporary emergency actions as it deems necessary in order to  
13 protect the health of such persons. THE DEPARTMENT MAY ASSESS <—  
14 THE RESPONSIBLE WATER SUPPLIER WITH COSTS OF TEMPORARY ACTIONS  
15 TAKEN BY THE DEPARTMENT, EXCEPT WHERE SUCH ACTION IS IN THE  
16 NORMAL COURSE OF ITS DUTIES.

17 (c) Department may implement emergency measures.--The  
18 department shall be authorized to implement whatever measures  
19 may be necessary and appropriate to notify the public of an  
20 emergency or imminent hazard and to assess costs of notification  
21 on the responsible water supplier.

22 (D) PRIORITY STATUS FOR EMERGENCY WATER FACILITIES LOANS.-- <—  
23 WHEN THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY DETERMINES AN  
24 EMERGENCY EXISTS IN A PUBLIC WATER SYSTEM WHICH DESIRES A LOAN  
25 FROM THE WATER FACILITIES LOAN BOARD, THE PENNSYLVANIA EMERGENCY  
26 MANAGEMENT AGENCY SHALL ADVISE THE WATER FACILITIES LOAN BOARD  
27 OF THE EMERGENCY. THE WATER FACILITIES LOAN BOARD SHALL ACCORD  
28 LOAN APPLICATIONS FROM PUBLIC WATER SYSTEMS WITH EMERGENCIES  
29 DESIGNATED BY THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY WITH  
30 PRIORITY ABOVE ALL NONEMERGENCY APPLICATIONS. THE EMERGENCY

1 PRIORITY STATUS AFFECTS ONLY THE ORDER IN WHICH LOAN  
2 APPLICATIONS WILL BE CONSIDERED BY THE WATER FACILITIES LOAN  
3 BOARD AND DOES NOT MODIFY THE APPLICATION REQUIREMENTS OR  
4 STANDARDS BY WHICH THE BOARD DETERMINES WHETHER A LOAN WILL BE  
5 OFFERED.

6 Section 11. Public notification.

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

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

12 (2) fails to perform monitoring as required by the  
13 drinking water standards;

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

16 (4) is subject to an exemption; or

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

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

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

28 (D) NONCOMMUNITY WATER SYSTEMS.--IF THE PUBLIC WATER SYSTEM  
29 IS A NONCOMMUNITY WATER SYSTEM, THE NOTICE SHALL BE GIVEN BY  
30 CONSPICUOUS POSTING, IN A LOCATION WHERE IT CAN BE SEEN BY

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1 CONSUMERS, RATHER THAN IN THE MANNER SPECIFIED IN SUBSECTIONS  
2 (B) AND (C).

3 ~~(d)~~ (E) Alternate notice.--The department may prescribe  
4 alternative notice requirements for violations of other  
5 regulations adopted pursuant to this act.

6 Section 12. Public nuisances.

7 (a) Violation constitutes a public nuisance.--Any violation  
8 of any provision of this act, any rule or regulation of the  
9 department, any order of the department, or any term or  
10 condition of any permit, shall constitute a public nuisance. Any  
11 person or municipality committing such a violation shall be  
12 liable for the costs of abatement of any pollution and any  
13 public nuisance caused by such violation. The Environmental  
14 Hearing Board and any court of competent jurisdiction is hereby  
15 given jurisdiction over actions to recover the costs of such  
16 abatement.

17 (b) Abatement of violation.--Any activity or condition  
18 declared by this act to be a nuisance or which is otherwise in  
19 violation of this act, shall be abatable in the manner provided  
20 by law or equity for the abatement of public nuisances. In  
21 addition, the department may proceed in equity to abate such  
22 nuisances or to restrain or prevent any violation of this act.

23 Section 13. Penalties and remedies.

24 (a) Duty to comply with orders of the department.--It shall  
25 be the duty of any person to proceed diligently to comply with  
26 any order issued pursuant to section 5. If such person fails to  
27 proceed diligently or fails to comply with the order within such  
28 time, if any, as may be specified, the person shall be guilty of  
29 contempt and shall be punished by the court in an appropriate  
30 manner and for this purpose, application may be made by the

1 department to the Commonwealth Court, which court is hereby  
2 granted jurisdiction.

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

8 (1) against the department where there is alleged a  
9 failure of the department to perform any act which is not  
10 discretionary with the department. Jurisdiction for such  
11 actions is in Commonwealth Court; or

12 (2) against any other person alleged to be in violation  
13 of any provision of this act or any rule, regulation, order  
14 or permit issued pursuant to this act. Any other provision of  
15 law to the contrary notwithstanding, the courts of common  
16 pleas shall have jurisdiction of such actions and venue in  
17 such actions shall be as set forth in the Rules of Civil  
18 Procedure concerning actions in assumpsit.

19 (c) Summary offense.--Any person who violates any provision  
20 of this act, or any rule or regulation of the department, any  
21 order of the department, or any condition of any permit of the  
22 department issued pursuant to this act, is guilty of a summary  
23 offense and, upon conviction, shall be subject to a fine of not  
24 less than \$50 nor more than \$5,000, and costs, for each separate  
25 offense and, in default of the payment of such fine or costs, a  
26 person shall be ~~imprisoned~~ SUBJECT TO IMPRISONMENT for not less  
27 than 30 days nor more than 90 days. <—

28 (d) Misdemeanor of the third degree.--Any person who  
29 willfully or negligently violates any provision of this act, any  
30 rule or regulation of the department, any order of the

1 department, or any condition of any permit issued pursuant to  
2 the act is guilty of a misdemeanor of the third degree and, upon  
3 conviction, shall be subject to a fine of not less than \$1,250  
4 nor more than \$12,500 for each separate offense or to  
5 imprisonment for a period of not more than one year, or both.

6 (e) Misdemeanor of the second degree.--Any person who, after  
7 a conviction of a misdemeanor for any violation within two years  
8 as above provided, willfully or negligently violates any  
9 provision of this act, any rule or regulation of the department,  
10 any order of the department, or any condition of any permit  
11 issued pursuant to this act is guilty of a misdemeanor of the  
12 second degree and, upon conviction, shall be subject to a fine  
13 of not less than \$1,250 nor more than \$25,000 for each offense  
14 or to imprisonment for a period of not more than two years, or  
15 both.

16 (f) Civil penalties.--In addition to proceeding under any  
17 other remedy available at law or in equity for a violation of  
18 any provision of this act, any rule or regulation of the  
19 department or order of the department or any term or condition  
20 of any permit issued by the department, the department may  
21 assess a civil penalty upon a person for such violation. Such a  
22 penalty may be assessed whether or not the violation was willful  
23 or negligent. When the department assesses a civil penalty, it  
24 shall inform the person of the amount of the penalty. The person  
25 charged with the penalty shall then have 30 days to pay the  
26 penalty in full or, if the person wishes to contest either the  
27 amount of the penalty or the fact of the violation, the person  
28 shall within the 30-day period, file an appeal of the action  
29 with the Environmental Hearing Board. Failure to appeal within  
30 30 days shall result in a waiver of all legal rights to contest

1 the violation or the amount of the penalty. The maximum civil  
2 penalty which may be assessed pursuant to this section is \$5,000  
3 per day for each violation. Each violation for each separate day  
4 and each violation of any provision of this act, any rule or  
5 regulation under this act, any order to the department or any  
6 term or condition of the permit shall constitute a separate and  
7 distinct offense under this section.

8 (g) Penalties to be concurrent.--The penalties and remedies  
9 prescribed by this act shall be deemed concurrent and the  
10 existence of or exercise of any remedy shall not prevent the  
11 department from exercising any other remedy hereunder, at law or  
12 in equity.

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

15 (I) TAMPERING WITH PUBLIC WATER SYSTEMS.--

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16 (1) ANY PERSON WHO ENDANGERS THE HEALTH OF PERSONS BY  
17 KNOWINGLY INTRODUCING ANY CONTAMINANT INTO A PUBLIC WATER  
18 SYSTEM OR TAMPERING WITH A PUBLIC WATER SYSTEM SHALL BE FINED  
19 NOT MORE THAN \$50,000 OR IMPRISONED FOR NOT MORE THAN FIVE  
20 YEARS, OR BOTH.

21 (2) ANY PERSON WHO ATTEMPTS TO ENDANGER OR MAKES A  
22 THREAT TO ENDANGER THE HEALTH OF PERSONS BY KNOWINGLY  
23 INTRODUCING ANY CONTAMINANT INTO A PUBLIC WATER SYSTEM OR  
24 TAMPERING WITH A PUBLIC WATER SYSTEM SHALL BE FINED NOT MORE  
25 THAN \$20,000 OR IMPRISONED FOR NOT MORE THAN THREE YEARS, OR  
26 BOTH.

27 (3) THE DEPARTMENT MAY BRING A CIVIL ACTION IN THE  
28 APPROPRIATE COURT OF COMMON PLEAS AGAINST ANY PERSON WHO  
29 ENDANGERS, ATTEMPTS TO ENDANGER OR MAKES A THREAT TO ENDANGER  
30 THE HEALTH OF PERSONS OR OTHERWISE RENDERS THE WATER UNFIT

1 FOR HUMAN CONSUMPTION BY THE INTRODUCTION OF ANY CONTAMINANT  
2 INTO A PUBLIC WATER SYSTEM OR TAMPERING WITH A PUBLIC WATER  
3 SYSTEM. THE COURT MAY IMPOSE ON SUCH PERSON A CIVIL PENALTY  
4 OF NOT MORE THAN \$50,000 FOR EACH DAY THAT SUCH ENDANGERMENT  
5 OR INABILITY TO CONSUME THE WATER EXISTS.

6 Section 14. Safe Drinking Water Account.

7 All fines and penalties collected under the penalty  
8 provisions of this act and all ~~permit~~ fees shall be paid into <—  
9 the State Treasury into a special restricted receipt account in  
10 the General Fund known as the Safe Drinking Water Account  
11 administered by the department for use in protecting the public  
12 from the hazards of unsafe drinking water and which funds are  
13 hereby appropriated to the department for such purposes as are  
14 authorized in this act.

15 Section 15. Continuation of existing rules and regulations.

16 All rules and regulations promulgated pursuant to any  
17 statutes repealed by this act are continued in full force and  
18 effect until superseded and repealed by rules and regulations  
19 promulgated pursuant to this act.

20 Section 16. Appropriations of Federal money.

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

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

28 (2) The sum of \$100,000 for the Safe Drinking Water Act  
29 for administration in support of the Safe Drinking Water  
30 Program.

1 Section 17. Administration of grants.

2 For purposes of the administration of grants to local health  
3 departments for environmental services pursuant to the act of  
4 August 24, 1951 (P.L.1304, No.315), known as the Local Health  
5 Administration Law, this act shall be deemed to be the successor  
6 to the act of April 22, 1905 (P.L.260, No.182), entitled "An act  
7 to preserve the purity of the waters of the State, for the  
8 protection of the public health." A local health department  
9 shall be deemed to have satisfied the minimum program activities  
10 for water supply programs if it undertakes those activities with  
11 reference to this act and any regulations adopted hereunder. The  
12 Department of Health shall amend the regulations relating to  
13 standards for environmental health services to reflect the  
14 provisions of this act, including the repeals made hereunder. To  
15 the extent that public water supply program responsibilities  
16 delegated by the department pursuant to an agreement with a  
17 local health department exceed those activities required for  
18 eligibility for the local health department grant programs, the  
19 department is authorized to expend funds appropriated to this  
20 program for the purpose of assisting local health departments to  
21 carry out those additional activities.

22 Section 18. Repeals.

23 The following acts are repealed:

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

27 Act of April 30, 1929 (P.L.897, No.396), entitled "An act  
28 regulating the manufacturing, bottling, and selling of certain  
29 waters, and requiring permits therefor; prescribing the  
30 authority of the Department of Health and of local boards of



1 health and health officers with respect thereto; and providing  
2 penalties."

3 Section 19. Effective date.

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

5 (b), SECTION 15 and section 16 shall take effect immediately. <—

6 (b) The remaining provisions of this act, including the  
7 repealer provisions of section 18, shall be effective upon  
8 publication in the Pennsylvania Bulletin of the notice of the  
9 pertinent adopted regulations.