

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2894 Session of  
2004

INTRODUCED BY CREIGHTON, CRAHALLA, DENLINGER, GERGELY,  
LEVANSKY, SCAVELLO, SCHRODER AND THOMAS, OCTOBER 6, 2004

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
OCTOBER 6, 2004

AN ACT

1 Amending the act of May 1, 1984 (P.L.206, No.43), entitled "An  
2 act providing for safe drinking water; imposing powers and  
3 duties on the Department of Environmental Resources in  
4 relation thereto; and appropriating certain funds," providing  
5 for water withdrawal fee.

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

8 Section 1. The act of May 1, 1984 (P.L.206, No.43), known as  
9 the Pennsylvania Safe Drinking Water Act, is amended by adding a  
10 section to read:

11 Section 14.1. Water withdrawal fee.

12 (a) Establishment.--A municipality may enact by local  
13 ordinance a fee not to exceed \$.05 per gallon of water withdrawn  
14 from a water supply source within the geographical boundary of  
15 the municipality for the purpose of commercial bottling as a  
16 beverage. This fee shall be assessed at the time of withdrawal.  
17 Moneys collected pursuant to this section shall be remitted to  
18 the municipality from which the water was extracted.

19 (b) Filing of return.--The fee established by this section

1 shall be remitted to the municipality. Each bottled water system  
2 registered shall, within 30 days of the end of the preceding  
3 calendar year, render a return to the municipality on forms  
4 prescribed and furnished by the municipality. The return shall  
5 show the total number of gallons withdrawn during the previous  
6 calendar year, together with such other information as the  
7 municipality may require for the reasonable administration of  
8 this section.

9 (c) Penalty for noncompliance.--

10 (1) Failure to file the return by the date required  
11 under subsection (b) shall result in the assessment of a 10%  
12 penalty, which shall be added to the amount of fees due for  
13 that calendar year. The penalty shall immediately accrue, and  
14 thereafter the overdue fees and the penalty shall bear  
15 interest at the rate established by the Internal Revenue  
16 Service effective on the first business day of the calendar  
17 year.

18 (2) The municipality may waive all or any portion of the  
19 penalty and interest for good cause.

20 (3) Any person who is an individual and violates any  
21 provision of this section shall be guilty of a misdemeanor of  
22 the third degree. Otherwise the violation shall be graded as  
23 a felony of the third degree.

24 (d) Nonapplicability.--The fee established by this section  
25 shall not apply to:

26 (1) Water withdrawn from public water supplies owned by  
27 a municipality or private for-profit water company supplying  
28 water for public use.

29 (2) Water withdrawn solely for agricultural use.

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