THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2042 Session of 2005

AN ACT

1 Amending the act of June 22, 1937 (P.L.1987, No.394), entitled,
2   as amended, "An act to preserve and improve the purity of the
3   waters of the Commonwealth for the protection of public
4   health, animal and aquatic life, and for industrial
5   consumption, and recreation; empowering and directing the
6   creation of indebtedness or the issuing of non-debt revenue
7   bonds by political subdivisions to provide works to abate
8   pollution; providing protection of water supply and water
9   quality; providing for the jurisdiction of courts in the
10   enforcement thereof; providing additional remedies for
11   abating pollution of waters; imposing certain penalties;
12   repealing certain acts; regulating discharges of sewage and
13   industrial wastes; regulating the operation of mines and
14   regulating the impact of mining upon water quality, supply
15   and quantity; placing responsibilities upon landowners and
16   land occupiers and to maintain primary jurisdiction over
17   surface coal mining in Pennsylvania," further providing for
18   penalties; and providing for limitation on certain actions.

19   The General Assembly of the Commonwealth of Pennsylvania

20 hereby enacts as follows:

21   Section 1. Sections 602(b) and (c) of the act of June 22,

22 1937 (P.L.1987, No.394), known as The Clean Streams Law, amended

23 October 10, 1980 (P.L.894, No.157), are amended and the section

24 is amended by adding subsections to read:

25   Section 602. Penalties.--* * *

1   (b) Any person or municipality who [wilfully or] negligently

2   violates any provision of this act, any rule or regulation of

3   the department, any order of the department, or any condition of

4   any permit issued pursuant to the act is guilty of a misdemeanor

5   of the [third] second degree and, upon conviction, shall be

6   subject to a fine of not less than two thousand five hundred

7   dollars ($2,500) nor more than twenty-five thousand dollars

8   ($25,000) for each separate offense or to imprisonment [in the

9   county jail] for a period of not more than [one year] two years,

10   or both.

11   (b.1) Any person or municipality who intentionally or

12   knowingly violates any provision of this act, any rule or

13   regulation of the department, any order of the department, or

14   any condition of any permit issued pursuant to the act is guilty

15   of a felony of the third degree and, upon conviction, shall be

16   subject to a fine of not less than five thousand dollars

17   ($5,000) nor more than fifty thousand dollars ($50,000) for each

18   separate offense or to imprisonment for a period of not more

19   than seven years, or both.

20   (c) Any person or municipality who, after a conviction of a

21   misdemeanor for any violation within two years as above

22   provided, [wilfully or] negligently violates any provision of

23   this act, any rule or regulation of the department, any order of

24   the department, or any condition of any permit issued pursuant

25   to this act is guilty of a misdemeanor of the [second] first

26   degree and, upon conviction, shall be subject to a fine of not

27   less than [two thousand five hundred dollars ($2,500)] five

28   thousand dollars ($5,000) nor more than fifty thousand dollars

29   ($50,000) for each separate offense or to imprisonment for a

30   period of not more than [two] five years, or both.

1   * * *

2   (f) With respect to the offenses specified in this section,

3   it is the legislative purpose to impose liability on

4   corporations.

5   Section 2. The act is amended by adding a section to read:

6   Section 613. Limitation on Actions.--The provisions of any

7   other statute to the contrary notwithstanding, actions for

8   criminal penalties under this act may be commenced at any time

9   within a period of five years from the date the offense is

10   discovered.

11   Section 3. This act shall take effect in 60 days.