

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

No. **801** Session of  
2015

INTRODUCED BY DINNIMAN, RAFFERTY, FOLMER AND SCHWANK,  
MAY 14, 2015

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 14, 2015

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," in powers and duties of  
21 Department of Environmental Protection, further providing for  
22 cooperation with municipalities.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Section 1905-A of the act of April 9, 1929  
26 (P.L.177, No.175), known as The Administrative Code of 1929,  
27 amended February 17, 1984 (P.L.75, No.14) and August 14, 1991  
28 (P.L.331, No.35), is amended to read:

1 Section 1905-A. Cooperation with Municipalities and Public  
2 Information.--(a) The Department of Environmental [Resources]  
3 Protection shall cooperate with municipalities in the  
4 construction and completion of projects and improvements for the  
5 conservation of water and the control of floods. For this  
6 purpose, the department shall have the power to use and expend  
7 any funds advanced by municipalities, under authority of law, on  
8 the projects and improvements designated, when such funds are  
9 advanced, in the same manner as it expends any funds  
10 appropriated by the Commonwealth for similar purposes.

11 (b) (1) The Department of Environmental [Resources]  
12 Protection shall require every applicant for the following  
13 permits and permit revisions to give written notice to each  
14 municipality in which the activities are located:

15 (i) Air quality permits applied for pursuant to the act of  
16 January 8, 1960 (1959 P.L.2119, No.787), known as the "Air  
17 Pollution Control Act."

18 (ii) Water allocation permits applied for pursuant to the  
19 act of June 24, 1939 (P.L.842, No.365), [entitled "An act  
20 relating to the acquisition of rights to divert water from  
21 rivers, streams, natural lakes, and ponds, or other surface  
22 waters within the Commonwealth or partly within and partly  
23 without the Commonwealth; defining various words and phrases;  
24 vesting in the Water and Power Resources Board certain powers  
25 and authorities for the conservation, control and equitable use  
26 of the waters within the Commonwealth in the interests of the  
27 people of the Commonwealth; making available for public water  
28 supply purposes, water rights heretofore or hereafter acquired  
29 but not used; providing for hearings by the Water and Power  
30 Resources Board and for appeals from its decisions; fixing fees;

1 granting to all public water supply agencies heretofore or  
2 hereafter created the right of eminent domain as to waters and  
3 the land covered by said waters; repealing all acts or parts of  
4 acts inconsistent herewith, including Act No.109, Pamphlet Laws  
5 152, approved April 13, 1905, Act No.307, Pamphlet Laws 455,  
6 approved June 7, 1907, Act No.64, Pamphlet Laws 258, approved  
7 April 8, 1937." ] referred to as the Water Rights Law.

8 (iii) Water obstruction permits applied for pursuant to the  
9 act of November 26, 1978 (P.L.1375, No.325), known as the "Dam  
10 Safety and Encroachments Act."

11 (iv) Water quality permits, except permits relating to coal  
12 mining activities, applied for pursuant to the act of June 22,  
13 1937 (P.L.1987, No.394), known as "The Clean Streams Law."

14 (v) Solid waste and hazardous waste permits applied for  
15 pursuant to the act of July 7, 1980 (P.L.380, No.97), known as  
16 the "Solid Waste Management Act."

17 (2) In the case of written notices sent pursuant to  
18 [subclauses (i)] clause (1)(i), (ii), (iii) and (iv), the  
19 written notices shall be received by the municipalities at least  
20 thirty (30) days before the Department of Environmental  
21 [Resources] Protection may issue or deny the permit. In the case  
22 of written notices sent pursuant to subclause (v), the written  
23 notices shall be received by the municipalities at least sixty  
24 (60) days before the Department of Environmental [Resources]  
25 Protection may issue or deny the permit.

26 (3) The provisions of this subsection shall not apply to  
27 permits relating to coal mining activities issued under the act  
28 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams  
29 Law," the act of May 31, 1945 (P.L.1198, No.418), known as the  
30 "Surface Mining Conservation and Reclamation Act," the act of

1 April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as "The  
2 Bituminous Mine Subsidence and Land Conservation Act," and the  
3 act of September 24, 1968 (P.L.1040, No.318), known as the "Coal  
4 Refuse Disposal Control Act."

5 (4) When the department issues an emergency permit to  
6 respond to or alleviate an actual or imminent threat to life,  
7 property or the environment, such as activities conducted in  
8 compliance with the emergency response provisions of [the  
9 Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481, 49  
10 U.S.C. § 1671 et seq.)] 49 U.S.C. Subtitle VIII (relating to  
11 pipelines) and 49 CFR 192.615 (relating to emergency plans), the  
12 provisions of clause (2) and any other provision in regulation  
13 requiring notice to the affected municipality shall not apply.  
14 The applicant shall notify the affected municipality of an  
15 emergency permit as soon as possible verbally and provide a  
16 follow-up notice in writing within forty-eight (48) hours from  
17 the issuance of an emergency permit.

18 (c) Notwithstanding any provision of law to the contrary,  
19 the Department of Environmental Protection shall post in its  
20 entirety on its publicly accessible Internet website each  
21 application for a permit and permit revision listed in  
22 subsection (b)(1) and all related supporting documents submitted  
23 to the Department of Environmental Protection.

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