

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 597 Session of 2021

INTRODUCED BY STEFANO, MENSCH, SCAVELLO, LAUGHLIN AND COLLETT, APRIL 21, 2021

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, MAY 25, 2021

AN ACT

1 ~~Amending Title 27 (Environmental Resources) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in special programs, providing for~~
3 ~~water quality accountability.~~

4 AMENDING TITLE 66 (PUBLIC UTILITIES) OF THE PENNSYLVANIA <--
5 CONSOLIDATED STATUTES, PROVIDING FOR WATER AND WASTEWATER
6 ASSET MANAGEMENT PLANS.

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

9 ~~Section 1. Title 27 of the Pennsylvania Consolidated~~ <--
10 ~~Statutes is amended by adding a chapter to read:~~

CHAPTER 67

WATER QUALITY ACCOUNTABILITY

13 Sec.

14 6701. Scope.

15 6702. Definitions.

16 6703. Asset management plan.

17 6704. Critical valve inspections and testing by water system
18 operator.

19 6705. Meters.

- 1 ~~6706. Lead service line replacements.~~
2 ~~6707. Development of cybersecurity system.~~
3 ~~6708. Annual information to customers.~~
4 ~~6709. Regulations.~~
5 ~~6710. Contingency for public funding.~~
6 ~~6711. Enforcement.~~
7 ~~§ 6701. Scope.~~

8 ~~This chapter relates to water quality accountability.~~

- 9 ~~§ 6702. Definitions.~~

10 ~~The following words and phrases when used in this chapter~~
11 ~~shall have the meanings given to them in this section unless the~~
12 ~~context clearly indicates otherwise:~~

13 ~~"Commission." The Pennsylvania Public Utility Commission.~~

14 ~~"Community sewerage system." A publicly or privately owned~~
15 ~~community sewage system that uses a method of sewage collection,~~
16 ~~conveyance, treatment or disposal other than renovation in a~~
17 ~~soil absorption area or retention in a retaining tank.~~

18 ~~"Critical valve." A valve that is identified as critical by~~
19 ~~a water system operator, including a valve that is:~~

20 ~~(1) located at a hospital or nursing home;~~

21 ~~(2) located at an interconnection with a purveyor;~~

22 ~~(3) a regulator control valve;~~

23 ~~(4) a system valve that, if nonfunctioning, would cause~~
24 ~~widespread disruption to a service area; or~~

25 ~~(5) a valve in a facility, such as a treatment plant,~~
26 ~~pump station, storage tank or well, that is needed to isolate~~
27 ~~or operate the facility.~~

28 ~~"Department." The Department of Environmental Protection of~~
29 ~~the Commonwealth.~~

30 ~~"Lead service line." A water service pipe made of lead that~~

~~1 connects a water main to a building inlet and a lead "pigtail,"~~
~~2 "gooseneck" or other fitting that is connected to the water~~
~~3 service pipe.~~

~~4 "Public water system." A system for the provision to the~~
~~5 public of water for human consumption through pipes or other~~
~~6 constructed conveyances, if the system has at least 15 service~~
~~7 connections or regularly serves an average of at least 25~~
~~8 individuals daily at least 60 days during a calendar year.~~

~~9 "Water system operator." Any person or entity that owns or~~
~~10 operates a public water system or community sewerage system.~~

~~11 § 6703. Asset management plan.~~

~~12 (a) Duty to implement. Beginning no later than 12 months~~
~~13 after the effective date of this section, a water system~~
~~14 operator shall implement an asset management plan designed to~~
~~15 inspect, maintain, repair and renew its water and wastewater~~
~~16 infrastructure consistent with standards established by the~~
~~17 American Water Works Association and Water Environmental~~
~~18 Federation. The asset management plan shall include:~~

~~19 (1) A water main renewal program designed to achieve a~~
~~20 replacement cycle of no greater than 100 years as~~
~~21 determined by a detailed engineering analysis of the asset~~
~~22 material of construction, condition and estimated service~~
~~23 life remaining of the water mains serving the public water~~
~~24 system and the failure or low conveyance capability for fire~~
~~25 flow.~~

~~26 (2) A wastewater main renewal program designed to~~
~~27 achieve a replacement cycle or rehabilitation cycle no~~
~~28 greater than 100 years as determined by a detailed~~
~~29 engineering analysis of the asset material of construction~~
~~30 and condition, including the condition and type of main to~~

1 ~~service connection and estimated service life remaining of~~
2 ~~the wastewater mains serving the public wastewater system.~~

3 ~~(3) A water supply and treatment program designed to~~
4 ~~inspect, maintain, repair, renew and upgrade wells, intakes,~~
5 ~~pumps and treatment facilities in accordance with all Federal~~
6 ~~and State regulations, standards established by the American~~
7 ~~Water Works Association and the Water Environmental~~
8 ~~Federation and any mitigation plan required under this~~
9 ~~chapter.~~

10 ~~(4) A sewer inspection program shall be created in~~
11 ~~accordance with the NASSCO Pipeline Assessment Certification~~
12 ~~Program (PACP).~~

13 ~~(5) An initial schedule for the planned repair and~~
14 ~~replacement of water and wastewater infrastructure over a~~
15 ~~specified time period.~~

16 ~~(6) A general description of the location of the water~~
17 ~~and wastewater infrastructure, including a map.~~

18 ~~(7) A reasonable estimate of the quantity of water and~~
19 ~~wastewater infrastructure to be improved and an estimated~~
20 ~~timeline in which the assets will be repaired or replaced.~~

21 ~~(8) Projected annual expenditures to implement the plan~~
22 ~~and measures taken to ensure that the plan is cost effective.~~

23 ~~(9) The specific criteria used by the water system~~
24 ~~operator to identify critical valves and their current~~
25 ~~condition and a map identifying each one.~~

26 ~~(b) Annual dedication of money. Each water system operator~~
27 ~~shall dedicate money on an annual basis to address and remediate~~
28 ~~the highest priority projects as determined by its asset~~
29 ~~management plan.~~

30 ~~(c) Report to department. A water system operator shall~~

~~1 post on its publicly accessible Internet website and provide an
2 annual report to the commission or department based on the
3 operator's asset management plan prepared under this section.~~

~~4 The report shall include:~~

~~5 (1) A description that specifies all water and
6 wastewater infrastructure repaired, improved and replaced and
7 the associated costs in the immediately preceding 12 month
8 period according to the asset management plan. The report
9 shall also include a detailed description of inability to
10 execute pipe improvements as planned and how that has or will
11 be addressed so that the plan may be achieved.~~

~~12 (2) A detailed description of all water and wastewater
13 infrastructure to be improved in the upcoming 12 month period
14 and the estimated cost of the improvement.~~

~~15 (d) Centralized portal to be created. The department shall
16 create a centralized portal allowing for electronic submittal of
17 the report required under subsection (c). The lack of a
18 centralized portal shall not affect the duty to submit a report
19 under subsection (c).~~

~~20 § 6704. Critical valve inspections by water system operator.~~

~~21 (a) Duty to inspect and repair or replace critical valves.~~

~~22 A water system operator shall inspect each critical valve in its
23 public water system in accordance with the provisions of
24 subsection (b) in order to determine:~~

~~25 (1) accessibility of the valve for operational purposes;
26 and~~

~~27 (2) the valve's operating condition.~~

~~28 A water system operator shall repair or replace a valve found
29 to be broken or otherwise not operational.~~

~~30 (b) Frequency of inspections. A water system operator shall~~

1 ~~inspect each critical valve consistent with a plan filed with~~
2 ~~the commission or the department, no less than every five years.~~
3 ~~At a minimum, a valve inspection conducted pursuant to this~~
4 ~~subsection shall include:~~

5 ~~(1) clearing of the area around the valve to ensure full~~
6 ~~access to the valve for operating purposes;~~

7 ~~(2) cleaning out of the valve box;~~

8 ~~(3) dynamic testing of the valve, by opening and then~~
9 ~~closing the valve for either of the following number of~~
10 ~~turns:~~

11 ~~(i) recommended by the valve manufacturer to~~
12 ~~constitute a credible test or the number of turns which~~
13 ~~constitutes 15% of the total number of turns necessary to~~
14 ~~completely open or completely close the valve; and~~

15 ~~(ii) complying with any other criteria as may be~~
16 ~~required by department rules and regulations.~~

17 ~~(c) Annual fire hydrant inspection. A water system operator~~
18 ~~shall annually inspect at least 33% of the fire hydrants in its~~
19 ~~system in order to determine the hydrant's working condition.~~
20 ~~The water system operator shall formulate and implement a plan~~
21 ~~for flushing fire hydrants and at dead ends of water mains in~~
22 ~~the public water system and as water quality needs dictate. The~~
23 ~~plan for flushing may be combined with the periodic testing of~~
24 ~~fire hydrants otherwise required.~~

25 ~~(d) Recordkeeping and marking of fire hydrants.~~

26 ~~(1) A water system operator shall keep a record of all~~
27 ~~inspections, tests and flushings conducted under this section~~
28 ~~for a period of at least six years.~~

29 ~~(2) A water system operator that owns, solely or~~
30 ~~jointly, a fire hydrant shall mark the hydrant with the~~

~~initials of its name, abbreviation of its name, corporate symbol or other distinguishing mark or code by which ownership may be readily and definitely ascertained. Each fire hydrant shall be marked with a number or symbol, or both, by which the location of the hydrant may be determined on the water system operator's office records. The markings may be made with paint, brand or with a soft metal plate and shall be of such size and spaced and maintained so as to be easily read.~~

~~(c) GPS identification. A water system operator shall identify the geographic location of each valve and fire hydrant in its public water system using a global positioning system based on satellite or other location technology.~~

~~§ 6705. Meters.~~

~~(a) Allowable error. No water meter that has an error in registration of more than 2% may be placed in service, nor may a water meter that has an error in registration of more than 4% be allowed to remain in service, when water is passing through the meter at approximately the following rates of flow:~~

Meter size (inches)	Gallons per minute
5/8	6
3/4	10
1	20
1 1/2	30
2	50
3	90
4	180
6	300

~~(b) Prohibition.~~

~~(1) No water system operator furnishing metered water~~

~~service may allow a water meter of one inch or less nor a water meter of more than one inch to remain in service for a period longer than 20 years and eight years, respectively, without testing the meter for accuracy and readjusting the meter if the meter is found to be incorrect beyond the limits established in subsection (a).~~

~~(2) At a customer's request, the water system operator shall also perform a meter test without charge if a meter has been in service and has not been tested for a period greater than that specified in the following table:~~

Inch Meter	Years
5/8	10
3/4	8
1	6
More than 1	4

~~(c) Meter test records.~~

~~(1) When a water meter is tested, the original test record shall be kept indicating:~~

~~(i) the information necessary for identifying the meter;~~

~~(ii) the reason for making the test;~~

~~(iii) the reading of the meter before being disturbed; and~~

~~(iv) the accuracy of the meter together with data taken at the time of the test.~~

~~(2) The record shall be sufficiently complete to permit the convenient checking of the methods employed and the calculations made.~~

~~(3) A record shall also be kept, preferably numerically arranged, indicating:~~

- 1 ~~(i) the date of meter purchase;~~
2 ~~(ii) the name of the manufacturer;~~
3 ~~(iii) the meter's size, identification, various~~
4 ~~places of installation with dates of installation and~~
5 ~~removal; and~~
6 ~~(iv) the dates and general results of all tests.~~

7 ~~(d) Installation and removal of meters.~~

8 ~~(1) Within 60 days of installation, a water meter shall~~
9 ~~be inspected by the water system operator for mechanical~~
10 ~~condition and suitability of location. In the case of a new~~
11 ~~meter or a meter reconditioned by a manufacturer, the test~~
12 ~~results of the manufacturer may be accepted as the~~
13 ~~installation test if the water system operator has verified~~
14 ~~the manufacturer's reported test results by testing the~~
15 ~~greater of 10% or 10 meters of a shipment of meters. In case~~
16 ~~of emergency, a meter not meeting the requirements of this~~
17 ~~section may be installed temporarily.~~

18 ~~(2) (i) A water meter that is removed from service~~
19 ~~shall be tested within 30 days for accuracy to complete~~
20 ~~the meter's test history. When a meter is removed from~~
21 ~~service, it shall be properly sealed to secure registers~~
22 ~~and measuring devices until it can be properly tested for~~
23 ~~accuracy.~~

24 ~~(ii) This paragraph does not apply to a meter~~
25 ~~permanently removed from service and replaced by a new~~
26 ~~meter using a remote reading device.~~

27 ~~§ 6706. Lead service line replacements.~~

28 ~~(a) Duty to submit plan to department. Within one year of~~
29 ~~the effective date of this section, a water system operator~~
30 ~~shall submit to the department a plan to remove and replace all~~

1 ~~lead service lines, whether customer owned or water system~~
2 ~~operator owned, within or connected to the operator's public~~
3 ~~water system. The removal and replacement must be completed~~
4 ~~within 20 years from the effective date of this section.~~

5 ~~(b) Regulations. The department shall promulgate~~
6 ~~regulations establishing the minimum plan requirements under~~
7 ~~this section.~~

8 ~~§ 6707. Development of cybersecurity system.~~

9 ~~(a) Regulations. The department shall promulgate~~
10 ~~regulations establishing the minimum requirements for a water~~
11 ~~system operator cybersecurity program.~~

12 ~~(b) Development of cybersecurity program.~~

13 ~~(1) Within 120 days of the publication of the~~
14 ~~department's final regulations under subsection (a), a water~~
15 ~~system operator shall develop a cybersecurity program that:~~

16 ~~(i) is determined by an accredited cyber security~~
17 ~~professional;~~

18 ~~(ii) implements organization accountabilities and~~
19 ~~responsibilities for cyber risk management activities;~~
20 ~~and~~

21 ~~(iii) establishes policies, plans, processes and~~
22 ~~procedures for identifying, reporting and mitigating~~
23 ~~cyber risk to its public water system.~~

24 ~~(2) As part of the program, the water system operator~~
25 ~~shall conduct risk assessments and implement appropriate~~
26 ~~controls to:~~

27 ~~(i) mitigate identified risks to the public water~~
28 ~~system;~~

29 ~~(ii) maintain situational awareness of cyber threats~~
30 ~~and vulnerabilities to the public water system; and~~

1 ~~(iii) create and exercise incident response and~~
2 ~~recovery plans.~~

3 ~~(c) Submission of program to department. A copy of the~~
4 ~~program developed under this subsection shall be provided to the~~
5 ~~department in a manner prescribed by the department.~~

6 ~~§ 6708. Annual information to customers.~~

7 ~~A water system operator shall annually inform the operator's~~
8 ~~customers of compliance with this chapter.~~

9 ~~§ 6709. Regulations.~~

10 ~~The department, in consultation with the commission, shall~~
11 ~~promulgate regulations as necessary to implement this chapter.~~

12 ~~§ 6710. Contingency for public funding.~~

13 ~~Before a water or wastewater system operator may receive a~~
14 ~~subsidized loan or other financial assistance from the~~
15 ~~Commonwealth, the operator shall demonstrate to the department~~
16 ~~that the operator has developed or is in the process of~~
17 ~~developing an asset management program and cybersecurity plan as~~
18 ~~required by this chapter.~~

19 ~~§ 6711. Enforcement.~~

20 ~~After three years of noncompliance with this chapter, a water~~
21 ~~system operator shall be considered a public utility under 66~~
22 ~~Pa.C.S. § 102 (relating to definitions).~~

23 ~~Section 2. This act shall take effect in 60 days.~~

24 SECTION 1. TITLE 66 OF THE PENNSYLVANIA CONSOLIDATED
25 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

<--

26 CHAPTER 37

27 WATER AND WASTEWATER ASSET MANAGEMENT PLANS

28 SEC.

29 3701. SCOPE OF CHAPTER.

30 3702. DEFINITIONS.

1 3703. ASSET MANAGEMENT PLANS.

2 3704. CRITICAL VALVE INSPECTIONS AND FIRE HYDRANT INSPECTIONS
3 BY WATER SYSTEM OPERATOR.

4 3705. WATER METERS.

5 3706. DEVELOPMENT OF CYBERSECURITY SYSTEM.

6 3707. ANNUAL INFORMATION TO CUSTOMERS.

7 3708. REGULATIONS.

8 3709. CONTINGENCY FOR PUBLIC FUNDING.

9 3710. ENFORCEMENT.

10 3711. COMMISSION COSTS.

11 § 3701. SCOPE OF CHAPTER.

12 THIS CHAPTER RELATES TO WATER AND WASTEWATER ASSET MANAGEMENT
13 PLANS.

14 § 3702. DEFINITIONS.

15 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
16 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
17 CONTEXT CLEARLY INDICATES OTHERWISE:

18 "COMMUNITY WASTEWATER SYSTEM." A PUBLICLY OR PRIVATELY OWNED
19 COMMUNITY SEWAGE SYSTEM WHICH SERVES AT LEAST 501 SERVICE
20 CONNECTIONS USED BY YEAR-ROUND RESIDENTS THAT USES A METHOD OF
21 SEWAGE COLLECTION, CONVEYANCE TREATMENT OR DISPOSAL OTHER THAN
22 RENOVATION IN A SOIL ABSORPTION AREA OR RETENTION IN A RETAINING
23 TANK. THE TERM DOES NOT INCLUDE A MUNICIPALLY OWNED AND OPERATED
24 SEWAGE SYSTEM THAT OWNS AND OPERATES A WATER SYSTEM WHICH HAS
25 APPLIED TO THE COMMISSION FOR A VOLUNTARY CHANGE IN RATES UNDER
26 SECTION 1308(D) (RELATING TO VOLUNTARY CHANGES IN RATES), WITHIN
27 FIVE YEARS OF THE EFFECTIVE DATE OF THIS SECTION.

28 "COMMUNITY WATER SYSTEM." A PUBLIC WATER SYSTEM WHICH SERVES
29 AT LEAST 501 SERVICE CONNECTIONS USED BY YEAR-ROUND RESIDENTS.
30 THE TERM DOES NOT INCLUDE AN ENTITY WHICH HAS APPLIED TO THE

1 COMMISSION FOR A VOLUNTARY CHANGE IN RATES UNDER SECTION
2 1308(D), WITHIN FIVE YEARS OF THE EFFECTIVE DATE OF THIS
3 SECTION.

4 "CRITICAL VALVE." A VALVE THAT IS IDENTIFIED AS CRITICAL BY
5 A WATER SYSTEM OPERATOR, INCLUDING A VALVE THAT IS:

6 (1) LOCATED AT A HOSPITAL OR NURSING HOME;

7 (2) LOCATED AT AN INTERCONNECTION WITH A PURVEYOR;

8 (3) A REGULATOR CONTROL VALVE;

9 (4) A BACKFLOW VALVE OF ANY TYPE, PROTECTING AGAINST
10 EITHER A HIGH OR LOW HAZARD; OR

11 (5) A VALVE IN A FACILITY, SUCH AS A TREATMENT PLANT,
12 PUMP STATION, STORAGE TANK OR WELL, THAT IS NEEDED TO ISOLATE
13 OR OPERATE THE FACILITY.

14 "LEAD SERVICE LINE." A WATER SERVICE PIPE MADE OF LEAD THAT
15 CONNECTS A WATER MAIN TO A BUILDING INLET AND A LEAD PIGTAIL,
16 GOOSENECK OR OTHER FITTING THAT IS CONNECTED TO THE WATER
17 SERVICE PIPE.

18 "WASTEWATER SYSTEM OPERATOR." A PERSON OR ENTITY THAT OWNS
19 OR OPERATES A COMMUNITY WASTEWATER SYSTEM.

20 "WATER SYSTEM OPERATOR." A PERSON OR ENTITY THAT OWNS OR
21 OPERATES A COMMUNITY WATER SYSTEM.

22 § 3703. ASSET MANAGEMENT PLANS.

23 (A) COMMUNITY WATER SYSTEM ASSET MANAGEMENT PLAN.--BEGINNING
24 NO LATER THAN 12 MONTHS AFTER THE EFFECTIVE DATE OF THIS
25 SECTION, A WATER SYSTEM OPERATOR SHALL ANNUALLY SUBMIT AN ASSET
26 MANAGEMENT PLAN, PURSUANT TO A SCHEDULE ESTABLISHED BY THE
27 COMMISSION AND EVERY THREE YEARS THEREAFTER TO THE COMMISSION
28 FOR REVIEW AND APPROVAL. THE ASSET MANAGEMENT PLAN SHALL BE
29 DESIGNED TO INSPECT, MAINTAIN, REPAIR AND RENEW THE WATER SYSTEM
30 OPERATOR'S WATER INFRASTRUCTURE CONSISTENT WITH FEDERAL AND

1 STATE LAWS. THE COMMUNITY WATER SYSTEM ASSET MANAGEMENT PLAN
2 SHALL INCLUDE AT A MINIMUM:

3 (1) A WATER MAIN RENEWAL PROGRAM DESIGNED TO ACHIEVE A
4 STATED REPLACEMENT CYCLE DETERMINED BY A DETAILED ENGINEERING
5 ANALYSIS OF THE ASSET MATERIAL OF CONSTRUCTION, CONDITION AND
6 ESTIMATED SERVICE LIFE REMAINING OF THE WATER MAINS SERVING
7 THE COMMUNITY WATER SYSTEM AND THE FAILURE OR LOW CONVEYANCE
8 CAPABILITY FOR FIRE FLOW.

9 (2) A WATER SUPPLY AND TREATMENT PROGRAM DESIGNED TO
10 INSPECT, MAINTAIN, REPAIR, RENEW AND UPGRADE WELLS, INTAKES,
11 PUMPS AND TREATMENT FACILITIES.

12 (3) AN INITIAL SCHEDULE FOR THE PLANNED REPAIR AND
13 REPLACEMENT OF WATER SYSTEM INFRASTRUCTURE OVER A SPECIFIED
14 TIME PERIOD.

15 (4) A GENERAL DESCRIPTION OF THE LOCATION OF THE WATER
16 SYSTEM INFRASTRUCTURE, INCLUDING A MAP.

17 (5) A REASONABLE ESTIMATE OF THE QUANTITY OF WATER
18 SYSTEM INFRASTRUCTURE TO BE IMPROVED IN THE COMING YEAR AND A
19 DESCRIPTION OF THE WATER SYSTEM INFRASTRUCTURE REPAIRED,
20 IMPROVED OR REPLACED AND THE ASSOCIATED COSTS FOR THE
21 IMMEDIATELY PRECEDING 12-MONTH PERIOD.

22 (6) PROJECTED ANNUAL EXPENDITURES TO IMPLEMENT THE PLAN,
23 THE AMOUNT OF MONEY DEDICATED ON AN ANNUAL BASIS TO ADDRESS
24 THE HIGHEST PRIORITY PROJECTS AND MEASURES TAKEN TO ENSURE
25 THAT THE PLAN IS COST EFFECTIVE.

26 (7) THE SETTING OF RATES THAT ARE SUFFICIENT TO SUSTAIN
27 THE CURRENT OPERATION OF THE COMMUNITY WATER SYSTEM AND THE
28 FINANCING FOR ALL PLANNED AND REASONABLY ANTICIPATED
29 INFRASTRUCTURE IMPROVEMENTS.

30 (8) THE SPECIFIC CRITERIA USED BY THE WATER SYSTEM

1 OPERATOR TO IDENTIFY CRITICAL VALVES AND THEIR CURRENT
2 CONDITION AND FIRE HYDRANTS AND A MAP IDENTIFYING EACH ONE IN
3 ACCORDANCE WITH SECTION 3704 (RELATING TO CRITICAL VALVE
4 INSPECTIONS AND FIRE HYDRANT INSPECTIONS BY WATER SYSTEM
5 OPERATOR) .

6 (9) A REPORT OF WATER METER TESTING IN ACCORDANCE WITH
7 SECTION 3705 (RELATING TO WATER METERS) .

8 (10) A LEAD SERVICE LINE REMOVAL AND REPLACEMENT PLAN
9 WHICH INCLUDES THE REMOVAL AND REPLACEMENT OF CUSTOMER-OWNED
10 AND WATER SYSTEM OPERATOR-OWNED LINES, WITHIN OR CONNECTED TO
11 THE OPERATOR'S COMMUNITY WATER SYSTEM.

12 (11) A CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION
13 PLAN.

14 (12) CERTIFICATION OF A CYBERSECURITY PLAN DEVELOPED IN
15 ACCORDANCE WITH SECTION 3706 (RELATING TO DEVELOPMENT OF
16 CYBERSECURITY SYSTEM) .

17 (B) COMMUNITY WASTEWATER SYSTEM ASSET MANAGEMENT PLAN.--
18 BEGINNING NO LATER THAN 12 MONTHS AFTER THE EFFECTIVE DATE OF
19 THIS SECTION, A WASTEWATER SYSTEM OPERATOR SHALL SUBMIT AN ASSET
20 MANAGEMENT PLAN PURSUANT TO A SCHEDULE ESTABLISHED BY THE
21 COMMISSION, AND EVERY THREE YEARS THEREAFTER, TO THE COMMISSION
22 FOR REVIEW AND APPROVAL. THE ASSET MANAGEMENT PLAN SHALL BE
23 DESIGNED TO INSPECT, MAINTAIN, REPAIR AND RENEW ITS WASTEWATER
24 INFRASTRUCTURE CONSISTENT WITH FEDERAL AND STATE LAWS. THE
25 COMMUNITY WASTEWATER SYSTEM ASSET MANAGEMENT PLAN SHALL INCLUDE
26 AT A MINIMUM:

27 (1) A WASTEWATER MAIN RENEWAL PROGRAM DESIGNED TO
28 ACHIEVE A STATED REPLACEMENT OR REHABILITATION CYCLE BY A
29 DETAILED ENGINEERING ANALYSIS OF THE ASSET MATERIAL OF
30 CONSTRUCTION, THE CONDITION AND TYPE OF MAIN-TO-SERVICE

1 CONNECTION AND ESTIMATED SERVICE LIFE REMAINING OF THE
2 WASTEWATER MAINS SERVING THE COMMUNITY WASTEWATER SYSTEM.

3 (2) A SEWER INSPECTION PROGRAM DESIGNED TO PERFORM AN
4 ASSESSMENT OF THE COLLECTION SYSTEM TO ESTABLISH THE
5 COLLECTIONS SYSTEM'S CONDITION.

6 (3) AN INITIAL SCHEDULE FOR THE PLANNED REPAIR AND
7 REPLACEMENT OF WASTEWATER INFRASTRUCTURE OVER A SPECIFIED
8 TIME PERIOD.

9 (4) A GENERAL DESCRIPTION OF THE LOCATION OF THE
10 WASTEWATER INFRASTRUCTURE, INCLUDING A MAP.

11 (5) A REASONABLE ESTIMATE OF THE QUANTITY OF WASTEWATER
12 INFRASTRUCTURE TO BE IMPROVED IN THE COMING YEAR AND A
13 DESCRIPTION OF THE WASTEWATER INFRASTRUCTURE REPAIRED,
14 IMPROVED OR REPLACED AND THE ASSOCIATED COSTS FOR THE
15 IMMEDIATELY PRECEDING 12 MONTH PERIOD.

16 (6) PROJECTED ANNUAL EXPENDITURES TO IMPLEMENT THE PLAN,
17 THE AMOUNT OF MONEY DEDICATED ON AN ANNUAL BASIS TO ADDRESS
18 THE HIGHEST PRIORITY PROJECTS AND MEASURES TAKEN TO ENSURE
19 THAT THE PLAN IS COST EFFECTIVE.

20 (7) THE SETTING OF RATES THAT ARE SUFFICIENT TO SUSTAIN
21 THE CURRENT OPERATION OF THE COMMUNITY WASTEWATER SYSTEM AND
22 THE FINANCING FOR EACH PLANNED AND REASONABLY ANTICIPATED
23 INFRASTRUCTURE IMPROVEMENT.

24 (8) A CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION
25 PLAN.

26 (9) CERTIFICATION OF A CYBERSECURITY PLAN DEVELOPED IN
27 ACCORDANCE WITH SECTION 3706.

28 (C) SCHEDULE.--PLANS SUBMITTED UNDER THIS SECTION MUST
29 INCLUDE A SCHEDULE UNDER WHICH THE WATER SYSTEM OPERATOR OR
30 WASTEWATER SYSTEM OPERATOR WILL ACHIEVE GOALS OF THE ASSET

1 MANAGEMENT PLANS.

2 § 3704. CRITICAL VALVE INSPECTIONS AND FIRE HYDRANT INSPECTIONS
3 BY WATER SYSTEM OPERATOR.

4 (A) CRITICAL VALVE INSPECTIONS.--A WATER SYSTEM OPERATOR
5 SHALL INSPECT EACH CRITICAL VALVE IN THE WATER SYSTEM OPERATOR'S
6 COMMUNITY WATER SYSTEM TO DETERMINE THE ACCESSIBILITY OF EACH
7 CRITICAL VALVE FOR OPERATIONAL PURPOSES AND THE CRITICAL VALVE'S
8 OPERATING CONDITION. A WATER SYSTEM OPERATOR SHALL INSPECT EACH
9 CRITICAL VALVE CONSISTENT WITH ITS ASSET MANAGEMENT PLAN, NO
10 LESS THAN EVERY THREE YEARS AND AT ANY TIME THE WATER SYSTEM
11 OPERATOR INSTALLS, REPAIRS OR RELOCATES A CRITICAL VALVE. AT A
12 MINIMUM, A CRITICAL VALVE INSPECTION MUST:

13 (1) FOLLOW THE RECOMMENDATION OF THE VALVE MANUFACTURER
14 TO CONSTITUTE A CREDIBLE TEST OR THE NUMBER OF TURNS WHICH
15 CONSTITUTES 15% OF THE TOTAL NUMBER OF TURNS NECESSARY TO
16 COMPLETELY OPEN OR COMPLETELY CLOSE THE VALVE; AND

17 (2) COMPLY WITH ANY OTHER CRITERIA REQUIRED UNDER RULES
18 AND REGULATIONS.

19 (B) REMEDY.--A WATER SYSTEM OPERATOR SHALL REMEDY A CRITICAL
20 VALVE FOUND TO BE NONOPERATIONAL AND INCLUDE THE REMEDIATION IN
21 ITS ASSESSMENT MANAGEMENT PLAN.

22 (C) FIRE HYDRANTS.--A WATER SYSTEM OPERATOR SHALL ANNUALLY
23 INSPECT AT LEAST 33% OF THE FIRE HYDRANTS IN THE WATER SYSTEM
24 OPERATOR'S SYSTEM IN A MANNER THAT EACH FIRE HYDRANT IS
25 INSPECTED OVER THE COURSE OF FOUR YEARS IN ORDER TO DETERMINE
26 EACH FIRE HYDRANT'S WORKING CONDITION. THE WATER SYSTEM OPERATOR
27 SHALL FORMULATE AND IMPLEMENT A PLAN FOR FLUSHING FIRE HYDRANTS
28 AND AT DEAD ENDS OF WATER MAINS AS WATER QUALITY NEEDS DICTATE.
29 THE PLAN FOR FLUSHING MAY BE COMBINED WITH THE REQUIRED PERIODIC
30 TESTING OF FIRE HYDRANTS.

1 (D) RECORDKEEPING AND MARKING OF FIRE HYDRANTS.--

2 (1) A WATER SYSTEM OPERATOR SHALL KEEP A RECORD OF EACH
3 INSPECTION, TEST AND FLUSHING CONDUCTED UNDER THIS SECTION
4 FOR A PERIOD OF AT LEAST SIX YEARS.

5 (2) A WATER SYSTEM OPERATOR THAT OWNS, SOLELY OR
6 JOINTLY, A FIRE HYDRANT SHALL CLEARLY MARK EASILY
7 IDENTIFIABLE OWNERSHIP INFORMATION, INCLUDING A NUMBER BY
8 WHICH THE LOCATION OF THE HYDRANT MAY BE DETERMINE, ON THE
9 WATER SYSTEM OPERATOR'S RECORDS.

10 (E) GPS IDENTIFICATION.--A WATER SYSTEM OPERATOR SHALL
11 IDENTIFY THE GEOGRAPHIC LOCATION OF EACH FIRE HYDRANT IN THE
12 WATER SYSTEM OPERATOR'S PUBLIC WATER SYSTEM USING A GLOBAL
13 POSITIONING SYSTEM BASED ON SATELLITE OR OTHER LOCATION
14 TECHNOLOGY.

15 § 3705. WATER METERS.

16 (A) ALLOWABLE ERROR.--A WATER METER THAT HAS AN ERROR IN
17 REGISTRATION OF MORE THAN 2% MAY NOT BE PLACED IN SERVICE AND A
18 WATER METER THAT HAS AN ERROR IN REGISTRATION OF MORE THAN 4%
19 MAY NOT REMAIN IN SERVICE, IF WATER IS PASSING THROUGH THE METER
20 AT APPROXIMATELY THE FOLLOWING RATES OF FLOW:

<u>METER SIZE (INCHES)</u>	<u>GALLONS PER MINUTE</u>
<u>5/8</u>	<u>6</u>
<u>3/4</u>	<u>10</u>
<u>1</u>	<u>20</u>
<u>1 1/2</u>	<u>30</u>
<u>2</u>	<u>50</u>
<u>3</u>	<u>90</u>
<u>4</u>	<u>180</u>
<u>6</u>	<u>300</u>

30 (B) PROHIBITION.--

1 (1) A WATER SYSTEM OPERATOR FURNISHING METERED WATER
2 SERVICE MAY NOT ALLOW A WATER METER TO REMAIN IN SERVICE
3 WITHOUT TESTING THE METER FOR ACCURACY AND READJUSTING IF THE
4 METER IS FOUND TO BE INCORRECT BEYOND THE LIMITS ESTABLISHED
5 UNDER SUBSECTION (A) FOR A WATER METER:

6 (I) OF ONE INCH OR LESS TO REMAIN IN SERVICE FOR A
7 PERIOD LONGER THAN 20 YEARS;

8 (II) OF MORE THAN ONE INCH TO REMAIN IN SERVICE FOR
9 A PERIOD LONGER THAN EIGHT YEARS.

10 (2) AT A CUSTOMER'S REQUEST, THE WATER SYSTEM OPERATOR
11 SHALL PERFORM A METER TEST WITHOUT CHARGE IF A METER HAS BEEN
12 IN SERVICE AND HAS NOT BEEN TESTED FOR A PERIOD GREATER THAN
13 THAT SPECIFIED AS FOLLOWS:

<u>METER SIZE (INCHES)</u>	<u>YEARS</u>
<u>5/8</u>	<u>10</u>
<u>3/4</u>	<u>8</u>
<u>1</u>	<u>6</u>
<u>MORE THAN 1</u>	<u>4</u>

19 (C) METER TEST RECORDS.--

20 (1) IF A WATER METER IS TESTED, THE ORIGINAL TEST RECORD
21 SHALL BE KEPT INDICATING:

22 (I) THE INFORMATION NECESSARY FOR IDENTIFYING THE
23 METER;

24 (II) THE REASON FOR MAKING THE TEST;

25 (III) THE READING OF THE METER BEFORE BEING
26 DISTURBED; AND

27 (IV) THE ACCURACY OF THE METER TOGETHER WITH DATA
28 TAKEN AT THE TIME OF THE TEST.

29 (2) THE RECORD SHALL BE SUFFICIENTLY COMPLETE TO PERMIT
30 THE CONVENIENT CHECKING OF THE METHODS EMPLOYED AND THE

1 CALCULATIONS MADE.

2 (3) IN ADDITION TO THE RECORDS UNDER PARAGRAPH (1), A
3 RECORD SHALL BE KEPT, INDICATING:

4 (I) THE DATE OF METER PURCHASE;

5 (II) THE NAME OF THE MANUFACTURER;

6 (III) THE METER'S SIZE, IDENTIFICATION, VARIOUS
7 PLACES OF INSTALLATION WITH DATES OF INSTALLATION AND
8 REMOVAL; AND

9 (IV) THE DATES AND GENERAL RESULTS OF EACH TEST.

10 (D) INSTALLATION AND REMOVAL OF METERS.--

11 (1) WITHIN 60 DAYS OF INSTALLATION, A WATER METER SHALL
12 BE INSPECTED BY THE WATER SYSTEM OPERATOR FOR MECHANICAL
13 CONDITION AND SUITABILITY OF LOCATION. FOR A NEW METER OR A
14 METER RECONDITIONED BY A MANUFACTURER, THE TEST RESULTS OF
15 THE MANUFACTURER MAY BE ACCEPTED AS THE INSTALLATION TEST IF
16 THE WATER SYSTEM OPERATOR HAS VERIFIED THE MANUFACTURER'S
17 REPORTED TEST RESULTS BY TESTING THE GREATER OF 10% OR 10
18 METERS OF A SHIPMENT OF METERS. FOR AN EMERGENCY, A METER NOT
19 MEETING THE REQUIREMENTS OF THIS SECTION MAY BE INSTALLED
20 TEMPORARILY.

21 (2) A WATER METER THAT IS REMOVED FROM SERVICE WITH THE
22 INTENT FOR THE WATER METER TO RETURN TO SERVICE SHALL BE
23 TESTED WITHIN 30 DAYS FOR ACCURACY TO COMPLETE THE METER'S
24 TEST HISTORY. WHEN A WATER METER IS TEMPORARILY REMOVED FROM
25 SERVICE, THE WATER METER SHALL BE PROPERLY SEALED TO SECURE
26 REGISTERS AND MEASURING DEVICES UNTIL THE WATER METER CAN BE
27 PROPERLY TESTED FOR ACCURACY.

28 § 3706. DEVELOPMENT OF CYBERSECURITY SYSTEM.

29 A WATER SYSTEM AND A WASTEWATER SYSTEM OPERATOR SHALL DEVELOP
30 A CYBERSECURITY PROGRAM THAT:

1 (1) IS DEVELOPED BY AN ACCREDITED CYBERSECURITY
2 PROFESSIONAL;

3 (2) IMPLEMENTS ORGANIZATIONAL ACCOUNTABILITY AND
4 RESPONSIBILITIES FOR CYBER RISK MANAGEMENT ACTIVITIES; AND

5 (3) ESTABLISHES POLICIES, PLANS, PROCESSES AND
6 PROCEDURES FOR IDENTIFYING, REPORTING AND MITIGATING CYBER
7 RISK TO THE WATER SYSTEM'S AND WASTEWATER SYSTEM OPERATOR'S
8 COMMUNITY WATER SYSTEM OR COMMUNITY WASTEWATER SYSTEM.

9 § 3707. ANNUAL INFORMATION TO CUSTOMERS.

10 A WATER SYSTEM OPERATOR SHALL ANNUALLY INFORM THE OPERATOR'S
11 CUSTOMERS OF COMPLIANCE WITH THIS CHAPTER IN A MANNER
12 ESTABLISHED BY THE COMMISSION.

13 § 3708. REGULATIONS.

14 (A) TEMPORARY.--THE COMMISSION SHALL PROMULGATE TEMPORARY
15 REGULATIONS AS NECESSARY TO IMPLEMENT THIS CHAPTER. THE
16 TEMPORARY REGULATIONS SHALL NOT BE SUBJECT TO THE FOLLOWING:

17 (1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF
18 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
19 COMMONWEALTH DOCUMENTS LAW.

20 (2) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER
21 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH
22 ATTORNEYS ACT.

23 (3) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
24 THE REGULATORY REVIEW ACT.

25 (B) EXPIRATION.--THE TEMPORARY REGULATIONS PROMULGATED UNDER
26 SUBSECTION (A) SHALL EXPIRE UPON THE PROMULGATION OF FINAL FORM
27 REGULATIONS OR TWO YEARS FOLLOWING THE EFFECTIVE DATE OF THIS
28 SECTION, WHICHEVER IS EARLIER.

29 § 3709. CONTINGENCY FOR PUBLIC FUNDING.

30 BEFORE A WATER OR WASTEWATER SYSTEM OPERATOR MAY RECEIVE A

1 SUBSIDIZED LOAN OR OTHER FINANCIAL ASSISTANCE FROM THE
2 COMMONWEALTH, THE WATER OR WASTEWATER SYSTEM OPERATOR MUST
3 DEMONSTRATE THAT THE OPERATOR HAS DEVELOPED OR IS IN THE PROCESS
4 OF DEVELOPING AN ASSET MANAGEMENT PROGRAM REQUIRED UNDER THIS
5 CHAPTER.

6 § 3710. ENFORCEMENT.

7 A WATER SYSTEM OPERATOR OR WASTE WATER SYSTEM OPERATOR THAT
8 FAILS TO FILE AN ASSET MANAGEMENT PLAN OR COMPLY WITH A
9 COMMISSION APPROVED PLAN SHALL, NOTWITHSTANDING ANY OTHER
10 PROVISION OF LAW, BE DEEMED A PUBLIC UTILITY AND REGULATED AS A
11 PUBLIC UTILITY.

12 § 3711. COMMISSION COSTS.

13 THE PROGRAM COSTS FOR COMMISSION IMPLEMENTATION AND
14 ENFORCEMENT OF THIS CHAPTER SHALL BE INCLUDED IN THE
15 COMMISSION'S PROPOSED BUDGET AND SHALL BE ASSESSED UPON A
16 COMMUNITY WATER SYSTEM OPERATOR OR OWNER AND A COMMUNITY
17 WASTEWATER SYSTEM OPERATOR OR OWNER IN ACCORDANCE WITH SECTION
18 510 (RELATING TO ASSESSMENT FOR REGULATORY EXPENSES UPON PUBLIC
19 UTILITIES). FOR PURPOSES OF SECTION 510, THE DEFINITION OF
20 "PUBLIC UTILITY" SHALL INCLUDE A COMMUNITY WATER SYSTEM OPERATOR
21 OR OWNER OR COMMUNITY WASTEWATER SYSTEM OPERATOR OR OWNER
22 REQUIRED TO FILE UNDER THIS SECTION AND NOT SUBJECT TO SECTION
23 510 ASSESSMENTS. FOR THE PURPOSES OF SECTION 510 ASSESSMENTS,
24 COMMUNITY WATER SYSTEMS AND COMMUNITY WASTEWATER SYSTEMS MAY BE
25 GROUPED WITH OTHER PUBLIC UTILITIES FURNISHING THE SAME KIND OF
26 SERVICE. A COMMUNITY WATER SYSTEM OPERATOR OR OWNER AND A
27 COMMUNITY WASTEWATER SYSTEM OPERATOR OR OWNER SHALL REPORT
28 ANNUALLY TO THE COMMISSION THE GROSS INTRASTATE OPERATING
29 REVENUES FOR THE PRECEDING CALENDAR YEAR.

30 SECTION 2. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

1 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
2 IMMEDIATELY:
3 (I) THIS SECTION.
4 (II) THE ADDITION OF 66 PA.C.S. §§ 3710 AND 3711.
5 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN SIX
6 MONTHS.