

PENNSYLVANIA SAFE DRINKING WATER ACT
Act of May. 1, 1984, P.L. 206, No. 43
AN ACT

Cl. 35

Providing for safe drinking water; imposing powers and duties on the Department of Environmental Resources in relation thereto; and appropriating certain funds.

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

Section 1. Short title.

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

Section 2. Legislative findings and declaration.

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

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

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

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

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

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

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

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

Section 3. Definitions.

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

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

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

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

"Department." The Department of Environmental Resources.

"Drinking water standards." Any requirements established by the national primary drinking water regulations and national secondary drinking water regulations or any State regulations adopted pursuant to this act.

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

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

"Federal act." The Federal Safe Drinking Water Act, as amended (Public Law 93-523, 42 U.S.C. § 300f et seq.).

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

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

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

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

"Person." Any individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or any agency of Federal or State government. The term shall include the officers, employees and agents of any partnership, association, company, corporation, municipality, municipal authority, political subdivision or any agency of Federal or State government.

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

(1) Any collection, treatment, storage and distribution facilities under control of the operator of such system and used in connection with such system.

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

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

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

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

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

"Treatment technique." A requirement which specifies for a contaminant a specific treatment method which is known to cause a reduction in the level of the contaminant. A treatment technique may be required for contaminants which cannot practically be regulated by establishing a maximum contaminant level.

"Water Facilities Loan Board." The board established pursuant to 32 Pa.C.S. § 7504 (relating to water facilities loan board) for the purpose set forth in that chapter.

Compiler's Note: Section 502(c) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Environmental Quality Board shall have the powers and duties currently vested in it, except as vested in the Department of Conservation and Natural Resources by Act 18 of 1995, which powers and duties include those set forth in section 3.

Section 4. Powers and duties of Environmental Quality Board.

(a) Board to establish standards, rules and regulations.--The Environmental Quality Board shall have the power and its duty shall be to adopt such rules and regulations of the department, governing the provision of drinking water to the public, as it deems necessary for the implementation of the provisions of this act. The board shall adopt maximum contaminant levels and treatment technique requirements no less stringent than those promulgated under the Federal act for all contaminants regulated under the national primary and secondary drinking water regulations. The board may adopt maximum contaminant levels or treatment technique requirements for any contaminant that a maximum contaminant level or treatment technique requirement has not been promulgated under the national primary and secondary drinking water regulations.

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

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

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

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

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

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

Compiler's Note: Section 502(c) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Environmental Quality Board shall have the powers and duties currently vested in it, except as vested in the Department of Conservation and Natural Resources by Act 18 of 1995, which powers and duties include those set forth in section 4.

Section 5. Powers and duties of department.

(a) State to assume primary enforcement.--The department shall adopt and implement a public water supply program which includes, but is not limited to, those program elements necessary to assume State primary enforcement responsibility under the Federal act. The public water supply program shall include, but not be limited to, maximum contaminant levels or treatment technique requirements establishing drinking water quality standards, monitoring, reporting, recordkeeping and analytical requirements, requirements for public notification, standards for construction, operation and modifications to public water systems, emergency procedures, standards for laboratory certification, and compliance and enforcement procedures.

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

(1) Monitoring and inspection.

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

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

(4) The establishment and maintenance of a program for the certification of laboratories conducting analytical measurements of drinking water contaminants specified in the drinking water standards; and the assurance of the availability to the department of laboratory facilities certified by the administrator and capable of performing analytical measurements of all contaminants specified in the drinking water standards.

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

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

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

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

(1) To institute in a court of competent jurisdiction, proceedings against any person to compel compliance with the provisions of this act, or the drinking water standards or conditions of permits issued hereunder.

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

(3) To do any and all things and actions not inconsistent with any provision of this act for the effective

enforcement of this act, rules and regulations or permits issued hereunder.

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

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

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

(g) Search warrants.--An agent or employee of the department may apply for a search warrant to any Commonwealth official authorized to issue a search warrant for the purposes of inspecting or examining any property, building, premise, place, book, record or other physical evidence, of conducting tests or taking samples. Such warrant shall be issued upon probable cause. It shall be sufficient probable cause to show any of the following:

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

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

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

(h) Delegation of functions and fiscal matters.--The department is authorized to:

(1) Enter into agreements, contracts or cooperative arrangements under such terms and conditions as may be deemed appropriate with other State agencies, Federal agencies, interstate compact agencies, political subdivisions or other persons, including agreements with local health departments to delegate one or more of its regulatory functions to inspect, monitor and enforce the act and drinking water standards. The department shall monitor and supervise activities of each local health department conducted pursuant to such an agreement, for consistency with the department's rules, regulations and policies. A local health department, where it exists in each of the counties of the Commonwealth, may elect to administer and enforce any of the provisions of this act together with the department in accordance with the established policies, procedures, guidelines, standards and rules and regulations of the department. Local health departments electing to administer and enforce the provisions of this act shall be funded through contractual agreements within the department whenever program activity exceeds the

minimum program requirements established under the former act of April 22, 1905 (P.L.260, No.182), entitled "An act to preserve the purity of the waters of the State, for the protection of the public health," adopted by the Advisory Health Board under the provisions of the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law. The department is authorized to provide funds to local health departments entering into an agreement to contract pursuant to this paragraph which shall be considered to be agents of the department for the purpose of enforcement of this act.

(2) Notwithstanding the grant of powers in paragraph (1), in any case where administration and enforcement of this act by a local health department shall conflict with administration and enforcement by the department, the department shall so notify the local health department of the conflict and administration and enforcement by the department shall take precedence over administration and enforcement by a local health department.

(3) Receive financial and technical assistance from the Federal Government and other public or private agencies where appropriate.

(4) Establish fiscal controls and accounting procedures.

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

Section 6. Variances and exemptions.

(a) Department may authorize variances from a maximum contaminant level.--The department may authorize variances from a maximum contaminant level under conditions and in such manner as are deemed necessary and desirable; provided, however, that such variances shall be granted only upon finding that:

(1) Because of characteristics of the raw water sources which are reasonably available, the public water system is unable to comply with such regulations despite application of the best technology, treatment techniques or other means which the department finds are generally available.

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

Notwithstanding the foregoing, variances may be granted for no longer than two years, subject to one or more renewals of no longer than two years each.

(b) Variances from treatment technique requirements.--The department may authorize variances from a treatment technique required under the drinking water standards if the public water system applying for the variance demonstrates to the satisfaction of the department that the treatment technique is not necessary to protect the health of persons because of the nature of the raw water sources of the system.

(c) Department may authorize exemptions.--The department may exempt any public water system from any requirement of an applicable drinking water standard upon finding that:

(1) due to compelling factors, the public water system is unable to comply with such requirements;

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

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

All exemptions granted with respect to a contaminant level or treatment technique prescribed by the Federal regulation shall expire no later than the dates prescribed in the Federal act.

(d) Public notice.--The department shall provide public notice of a request for a variance or exemption provided for in subsections (a), (b) and (c). This notice shall provide for at least a 30-day public comment period and a public hearing before a variance or exemption is granted.

(e) Board to adopt regulations governing variances and exemptions.--Before the department shall grant any variance or exemption, the board shall first adopt regulations governing the procedures and conditions under which variances or exemptions may be granted.

Section 7. Permits.

(a) Community water systems permits required.--It shall be unlawful for any person to construct, operate or substantially modify a community water system without first having received a written permit from the department. A substantial modification is one which may affect quality or quantity of water served to the public or may be prejudicial to the public health or safety.

(b) Noncommunity water systems permits required.--It shall be unlawful for any person to construct, operate or substantially modify a noncommunity water system without first having received a written permit from the department, unless:

(1) the noncommunity water system is operated under a valid permit issued under other law, such as the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, or the act of June 23, 1978 (P.L.537, No.93), known as the Seasonal Farm Labor Act, or the noncommunity water system is a type which the department determines can be adequately regulated through standardized specifications and conditions; and

(2) the noncommunity water system complies with all other requirements of this act and the regulations adopted under it.

(c) No permit required for waterline extensions.--Nothing in this section shall be construed to mean that a permit shall be required by the department for waterline extensions to a public water system.

(d) System distribution map.--The public water supplier shall supply the department with a copy of its system distribution map. The public water supplier shall supply updates of its distribution map to the department annually.

(e) Applications.--Applications for permits shall be submitted in writing to the department in such form and with such accompanying data as shall be prescribed by the department, and shall include maps, drawing specifications and designers' reports prepared by a professional engineer, registered to practice in Pennsylvania. At the request of the department or any person intending to submit an application for a permit, a preapplication conference can be conducted between the department and the applicant, the purpose of which is to facilitate the filing of the proposed permit application in compliance with this act. A conference shall be conducted between the department and the applicant at the time the application for a permit is submitted to the department. If the department determines the permit application is incomplete, it shall request such additional information in writing from the applicant within 90 calendar days of its receipt of a permit application. The department shall grant or deny a permit within 120 calendar days from its receipt of an application or within

120 days from its receipt of the written response for additional information.

(f) Permit fee.--Each application shall be accompanied by a permit fee established by regulations under this act.

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

(h) Conditions may be included in permit.--The department may include in each permit general and specific conditions to insure the proper operation of the public water system and the furnishing of an adequate, safe and potable supply of water.

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

(j) Permit issuance and conditions.--The department shall have the power to grant a permit if it determines that the proposed water system is not prejudicial to the public health and complies with the provisions of this act, the regulations adopted hereunder, and all other applicable laws administered by the department. The department may impose such permit terms and conditions regarding construction, operation, maintenance, inspection and monitoring of the project as are necessary to assure compliance with this act and other laws administered by the department.

(k) Permit suspension, revocation and modification.--The department may issue such orders suspending, revoking or modifying permits that are necessary to correct any violation of this act or regulations adopted under this act, or for noncompliance with a condition of the permit, or upon a finding of a condition prejudicial to the public health.

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 and examine any property, facility, operation or activity.

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

Section 9. Laboratories.

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

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

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

Section 10. Emergencies and imminent hazards.

(a) Plan to be promulgated for emergencies.--The department, in conjunction with the Pennsylvania Emergency Management Agency, shall promulgate with the approval of the board, an adequate plan for the provision of safe drinking water under emergency circumstances. When in the judgment of the department an emergency exists which poses a danger to the public health, the department shall notify the Pennsylvania Emergency Management Agency. The Pennsylvania Emergency Management Agency and the department may take such actions and issue such orders as may be necessary to implement the plan and to assure that safe drinking water is available.

(b) Department may order temporary emergency actions.--The department, upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial risk to the health of persons, may take or order a public water system to take such temporary emergency actions as it deems necessary in order to protect the health of such persons. The department may assess the responsible water supplier with costs of temporary actions taken by the department, except where such action is in the normal course of its duties.

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

(d) Priority status for emergency water facilities loans.--When the Pennsylvania Emergency Management Agency determines an emergency exists in a public water system which desires a loan from the Water Facilities Loan Board, the Pennsylvania Emergency Management Agency shall advise the Water Facilities Loan Board of the emergency. The Water Facilities Loan Board shall accord loan applications from public water systems with emergencies designated by the Pennsylvania Emergency Management Agency with priority above all nonemergency applications. The emergency priority status affects only the order in which loan applications will be considered by the Water Facilities Loan Board and does not modify the application requirements or standards by which the board determines whether a loan will be offered.

Section 11. Public notification.

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

(1) is not in compliance with the regulations adopted to comply with national primary drinking water regulations;

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

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

(4) is subject to an exemption; or

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

(b) Newspaper notice.--Such notice shall be given by the permittee by publication in a newspaper of general circulation within the area served by such water system at least once every

three months so long as the violation, variance or exemption continues.

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

(d) Noncommunity water systems.--If the public water system is a noncommunity water system, the notice shall be given by conspicuous posting, in a location where it can be seen by consumers, rather than in the manner specified in subsections (b) and (c).

(e) Alternate notice.--The department may prescribe alternative notice requirements for violations of other regulations adopted pursuant to this act.

Section 12. Public nuisances.

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

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

Section 13. Penalties and remedies.

(a) Duty to comply with orders of the department.--It shall be the duty of any person to proceed diligently to comply with any order issued pursuant to section 5. If such person fails to proceed diligently or fails to comply with the order within such time, if any, as may be specified, the person shall be guilty of contempt and shall be punished by the court in an appropriate manner and for this purpose, application may be made by the department to the Commonwealth Court, which court is hereby granted jurisdiction.

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

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

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

(c) Summary offense.--Any person who violates any provision of this act, or any rule or regulation of the department, any order of the department, or any condition of any permit of the department issued pursuant to this act, is guilty of a summary offense and, upon conviction, shall be subject to a fine of not

less than \$50 nor more than \$5,000, and costs, for each separate offense and, in default of the payment of such fine or costs, a person shall be subject to imprisonment for not less than 30 days nor more than 90 days.

(d) Misdemeanor of the third degree.--Any person who willfully or negligently violates any provision of this act, any rule or regulation of the department, any order of the department, or any condition of any permit issued pursuant to the act is guilty of a misdemeanor of the third degree and, upon conviction, shall be subject to a fine of not less than \$1,250 nor more than \$12,500 for each separate offense or to imprisonment for a period of not more than one year, or both.

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

(f) Preenforcement conference.--Notwithstanding any other provision of this act, before the department shall institute any criminal proceedings against any person pursuant to subsections (c), (d) and (e) it shall, in writing, provide such person with an opportunity for a preenforcement conference.

(g) Civil penalties.--In addition to proceeding under any other remedy available at law or in equity for a violation of any provision of this act, any rule or regulation of the department or order of the department or any term or condition of any permit issued by the department, the department may assess a civil penalty upon a person for such violation. Such a penalty may be assessed whether or not the violation was willful or negligent. When the department assesses a civil penalty, it shall inform the person of the amount of the penalty. The person charged with the penalty shall then have 30 days to pay the penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, the person shall within the 30-day period, file an appeal of the action with the Environmental Hearing Board. Failure to appeal within 30 days shall result in a waiver of all legal rights to contest the violation or the amount of the penalty. The maximum civil penalty which may be assessed pursuant to this section is \$5,000 per day for each violation. Each violation for each separate day and each violation of any provision of this act, any rule or regulation under this act, any order to the department or any term or condition of the permit shall constitute a separate and distinct offense under this section.

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

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

(j) Tampering with public water systems.--

(1) Any person who endangers the health of persons by knowingly introducing any contaminant into a public water system or tampering with a public water system shall be fined

not more than \$50,000 or imprisoned for not more than five years, or both.

(2) Any person who attempts to endanger or makes a threat to endanger the health of persons by knowingly introducing any contaminant into a public water system or tampering with a public water system shall be fined not more than \$20,000 or imprisoned for not more than three years, or both.

(3) The department may bring a civil action in the appropriate court of common pleas against any person who endangers, attempts to endanger or makes a threat to endanger the health of persons or otherwise renders the water unfit for human consumption by the introduction of any contaminant into a public water system or tampering with a public water system. The court may impose on such person a civil penalty of not more than \$50,000 for each day that such endangerment or inability to consume the water exists.

Section 14. Safe Drinking Water Account.

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

Section 15. Continuation of existing rules and regulations.

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

Section 16. Appropriations of Federal money.

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

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

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

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 17. Administration of grants.

For purposes of the administration of grants to local health departments for environmental services pursuant to the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, this act shall be deemed to be the successor to the act of April 22, 1905 (P.L.260, No.182), entitled "An act to preserve the purity of the waters of the State, for the protection of the public health." A local health department shall be deemed to have satisfied the minimum program activities for water supply programs if it undertakes those activities with reference to this act and any regulations adopted hereunder. The Department of Health shall amend the regulations relating to standards for environmental health services to reflect the provisions of this act, including the repeals made

hereunder. Where the Department of Health amends the standards for environmental health services by local health departments to exceed existing activity by local health departments in accordance with this act, the additional activity shall be funded by the department from funds appropriated to the department to carry out the purpose of this act.

Section 18. Repeals.

The following acts are repealed:

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

Act of April 30, 1929 (P.L.897, No.396), entitled "An act regulating the manufacturing, bottling, and selling of certain waters, and requiring permits therefor; prescribing the authority of the Department of Health and of local boards of health and health officers with respect thereto; and providing penalties."

Section 19. Effective date.

(a) The provisions in section 3, section 4, section 5(a) and (b), section 15 and section 16 shall take effect immediately.

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

Compiler's Note: The pertinent adopted regulations were published in the Pennsylvania Bulletin on December 8, 1984. See Chapter 109 of Title 25 of the Pennsylvania Code.