

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1880 Session of 1977

INTRODUCED BY MESSRS. GEORGE, LETTERMAN, TAYLOR, YAHNER, CASSIDY, D. R. WRIGHT, McCALL, DeMEDIO, KOLTER, PETRARCA, W. D. HUTCHINSON, DUFFY, RAVENSTAHL, LOGUE, MACKOWSKI, CESSAR, DAVIES, STUBAN, GAMBLE, SWEET, LIVENGOOD, ENGLEHART AND B. F. O'BRIEN, NOVEMBER 16, 1977

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED JUNE 21, 1978

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; providing
9 for the jurisdiction of courts in the enforcement thereof;
10 providing additional remedies for abating pollution of
11 waters; imposing certain penalties; repealing certain acts;
12 regulating discharges of sewage and industrial wastes;
13 regulating the operation of mines; and placing
14 responsibilities upon landowners and land occupiers,"
15 limiting the authority of the Department of Environmental
16 Resources and courts in requiring construction of sewerage
17 facilities by municipalities. ~~and making an appropriation.~~ <—

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

20 Section 1. Section 203, act of June 22, 1937 (P.L.1987,
21 No.394), known as "The Clean Streams Law," amended July 31, 1970
22 (P.L.653, No.222), is amended to read:

23 Section 203. Municipal Sewage.--(a) Whether or not a

1 municipality is required by other provisions of this act to have
2 a permit for the discharge of sewage, if the department finds
3 that the acquisition, construction, repair, alteration,
4 completion, extension or operation of a sewer system or
5 treatment facility is necessary to properly provide for the
6 prevention of pollution or prevention of a public health
7 nuisance, the department may, subject to the limitations set
8 forth in subsection (c), order such municipality to acquire,
9 construct, repair, alter, complete, extend, or operate a sewer
10 system and/or treatment facility. Such order shall specify the
11 length of time, after receipt of the order, within which such
12 action shall be taken.

13 (b) The department may from time to time order a
14 municipality to file a report with the department pertaining to
15 sewer systems or treatment facilities owned, operated, or
16 maintained by such municipality or pertaining to the effect upon
17 the waters of the Commonwealth of any sewage discharges
18 originating from sources within the municipality. The report
19 shall contain such plans, facts, and information which the
20 department may require to enable it to determine whether
21 existing sewer systems and treatment facilities are adequate to
22 meet the present and future needs or whether the acquisition,
23 construction, repair, alteration, completion, extension, or
24 operation of a sewer system or treatment facility should be
25 required to meet the objectives of this act. Whether or not such
26 reports are required or received by the department, the
27 department may, subject to the limitations set forth in
28 subsection (c), issue appropriate orders to municipalities where
29 such orders are found to be necessary to assure that there will
30 be adequate sewer systems and treatment facilities to meet

1 present and future needs or otherwise to meet the objectives of
2 this act. Such orders may include, but shall not be limited to,
3 orders requiring municipalities to undertake studies, to prepare
4 and submit plans, to acquire, construct, repair, alter,
5 complete, extend, or operate a sewer system or treatment
6 facility, or to negotiate with other municipalities for combined
7 or joint sewer systems or treatment facilities. Such orders may
8 prohibit sewer system extensions, additional connections, or any
9 other action that would result in an increase in the sewage that
10 would be discharged into an existing sewer system or treatment
11 facility.

12 (c) Before compelling a municipality to enter into the
13 construction phase of a major sewerage project required under
14 subsection (a) or (b), the department shall determine that the
15 municipality has selected a cost-effective project for
16 construction, that the municipality has provided public
17 disclosure of the proposed project and the costs associated with
18 that project, including an estimate of the total monthly charge
19 to a typical residential user, and that the municipality has the
20 legal, institutional, managerial, and financial capability to
21 insure adequate construction, operation and maintenance of the
22 facilities proposed. The department's determination shall be
23 based on its review of a facilities plan and other documentation
24 submitted by the municipality as required by the department.

25 ~~Section 2. The sum of \$350,000 or as much thereof as may be~~ <—
26 ~~necessary is hereby appropriated to the Department of~~
27 ~~Environmental Resources for the fiscal year July 1, 1978 to June~~
28 ~~30, 1979.~~

29 Section 3 2. This act shall take effect in 90 days. <—