

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1954

Session of
1979

INTRODUCED BY MR. BITTLE, MISS SIRIANNI, MESSRS. PICCOLA, FEE,
E. R. LYNCH, CAPPABIANCA, MRS. KERNICK AND MR. STEIGHNER,
NOVEMBER 13, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 26, 1980

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," further
15 providing for approval of sewage systems and sewage treatment
16 AND LIMITING THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL <—
17 RESOURCES AND COURTS IN REQUIRING CONSTRUCTION OF SEWERAGE
18 FACILITIES BY MUNICIPALITIES.

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

21 Section 1. Section 1, act of June 22, 1937 (P.L.1987,
22 No.394), known as "The Clean Streams Law," is amended by adding
23 definitions to read:

24 Section 1. Definitions.--Be it enacted, &c., That the

1 following words or phrases, unless the context clearly indicates
2 otherwise, shall have the meanings ascribed to them in this
3 section.

4 * * *

5 "Sewage treatment works" shall be construed to be any
6 devices, systems or other works installed for the purpose of
7 treating, recycling or disposing of sewage.

8 "Sewer extension" shall be construed to include new pipelines
9 or conduits, pumping stations, force mains, and all other
10 appurtenant constructions, devices and facilities added to an
11 existing sewer system for the purpose of conveying sewage from
12 individual structures or properties to said existing system,
13 except in the case where such constructions, devices, or
14 facilities would collect more than the equivalent volume of
15 sewage from 250 single family dwelling units.

16 "Sewer system" shall be construed to mean all pipelines or
17 conduits, pumping stations, force mains, and all other
18 appurtenant constructions, devices, and facilities used for
19 conveying sewage to a sewage treatment works. A sewer extension
20 which collects more than the equivalent volume of sewage from
21 250 single family dwelling units shall be considered to be a
22 sewer system.

23 * * *

24 SECTION 2. SECTION 203 OF THE ACT, AMENDED JULY 31, 1970
25 (P.L.653, NO.222), IS AMENDED TO READ:

26 SECTION 203. MUNICIPAL SEWAGE.--(A) WHETHER OR NOT A
27 MUNICIPALITY IS REQUIRED BY OTHER PROVISIONS OF THIS ACT TO HAVE
28 A PERMIT FOR THE DISCHARGE OF SEWAGE, IF THE DEPARTMENT FINDS
29 THAT THE ACQUISITION, CONSTRUCTION, REPAIR, ALTERATION,
30 COMPLETION, EXTENSION OR OPERATION OF A SEWER SYSTEM OR

1 TREATMENT FACILITY IS NECESSARY TO PROPERLY PROVIDE FOR THE
2 PREVENTION OF POLLUTION OR PREVENTION OF A PUBLIC HEALTH
3 NUISANCE, THE DEPARTMENT MAY, SUBJECT TO THE LIMITATIONS SET
4 FORTH IN SUBSECTION (C), ORDER SUCH MUNICIPALITY TO ACQUIRE,
5 CONSTRUCT, REPAIR, ALTER, COMPLETE, EXTEND, OR OPERATE A SEWER
6 SYSTEM AND/OR TREATMENT FACILITY. SUCH ORDER SHALL SPECIFY THE
7 LENGTH OF TIME, AFTER RECEIPT OF THE ORDER, WITHIN WHICH SUCH
8 ACTION SHALL BE TAKEN.

9 (B) THE DEPARTMENT MAY FROM TIME TO TIME ORDER A
10 MUNICIPALITY TO FILE A REPORT WITH THE DEPARTMENT PERTAINING TO
11 SEWER SYSTEMS OR TREATMENT FACILITIES OWNED, OPERATED, OR
12 MAINTAINED BY SUCH MUNICIPALITY OR PERTAINING TO THE EFFECT UPON
13 THE WATERS OF THE COMMONWEALTH OF ANY SEWAGE DISCHARGES
14 ORIGINATING FROM SOURCES WITHIN THE MUNICIPALITY. THE REPORT
15 SHALL CONTAIN SUCH PLANS, FACTS, AND INFORMATION WHICH THE
16 DEPARTMENT MAY REQUIRE TO ENABLE IT TO DETERMINE WHETHER
17 EXISTING SEWER SYSTEMS AND TREATMENT FACILITIES ARE ADEQUATE TO
18 MEET THE PRESENT AND FUTURE NEEDS OR WHETHER THE ACQUISITION,
19 CONSTRUCTION, REPAIR, ALTERATION, COMPLETION, EXTENSION, OR
20 OPERATION OF A SEWER SYSTEM OR TREATMENT FACILITY SHOULD BE
21 REQUIRED TO MEET THE OBJECTIVES OF THIS ACT. WHETHER OR NOT SUCH
22 REPORTS ARE REQUIRED OR RECEIVED BY THE DEPARTMENT, THE
23 DEPARTMENT MAY, SUBJECT TO THE LIMITATIONS SET FORTH IN
24 SUBSECTION (C), ISSUE APPROPRIATE ORDERS TO MUNICIPALITIES WHERE
25 SUCH ORDERS ARE FOUND TO BE NECESSARY TO ASSURE THAT THERE WILL
26 BE ADEQUATE SEWER SYSTEMS AND TREATMENT FACILITIES TO MEET
27 PRESENT AND FUTURE NEEDS OR OTHERWISE TO MEET THE OBJECTIVES OF
28 THIS ACT. SUCH ORDERS MAY INCLUDE, BUT SHALL NOT BE LIMITED TO,
29 ORDERS REQUIRING MUNICIPALITIES TO UNDERTAKE STUDIES, TO PREPARE
30 AND SUBMIT PLANS, TO ACQUIRE, CONSTRUCT, REPAIR, ALTER,

1 COMPLETE, EXTEND, OR OPERATE A SEWER SYSTEM OR TREATMENT
2 FACILITY, OR TO NEGOTIATE WITH OTHER MUNICIPALITIES FOR COMBINED
3 OR JOINT SEWER SYSTEMS OR TREATMENT FACILITIES. SUCH ORDERS MAY
4 PROHIBIT SEWER SYSTEM EXTENSIONS, ADDITIONAL CONNECTIONS, OR ANY
5 OTHER ACTION THAT WOULD RESULT IN AN INCREASE IN THE SEWAGE THAT
6 WOULD BE DISCHARGED INTO AN EXISTING SEWER SYSTEM OR TREATMENT
7 FACILITY.

8 (C) BEFORE COMPELLING A MUNICIPALITY TO ENTER INTO THE
9 CONSTRUCTION PHASE OF A MAJOR SEWERAGE PROJECT REQUIRED UNDER
10 SUBSECTION (A) OR (B), THE DEPARTMENT SHALL DETERMINE THAT THE
11 MUNICIPALITY HAS SELECTED A COST-EFFECTIVE PROJECT FOR
12 CONSTRUCTION, THAT THE MUNICIPALITY HAS PROVIDED PUBLIC
13 DISCLOSURE OF THE PROPOSED PROJECT AND THE COSTS ASSOCIATED WITH
14 THAT PROJECT, INCLUDING AN ESTIMATE OF THE TOTAL MONTHLY CHARGE
15 TO A TYPICAL RESIDENTIAL USER, AND THAT THE MUNICIPALITY HAS THE
16 LEGAL, INSTITUTIONAL, MANAGERIAL, AND FINANCIAL CAPABILITY TO
17 INSURE ADEQUATE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE
18 FACILITIES PROPOSED. THE DEPARTMENT'S DETERMINATION SHALL BE
19 BASED ON ITS REVIEW OF A FACILITIES PLAN AND OTHER DOCUMENTATION
20 SUBMITTED BY THE MUNICIPALITY AS REQUIRED BY THE DEPARTMENT.

21 Section 2 3. Section 207 of the act is amended to read: <—

22 Section 207. Approval of Plans, Designs, and Relevant Data
23 by the [Sanitary Water Board] Department.--[All plans, designs,
24 and relevant data for the construction of any new sewer system,
25 or for the extension of any existing sewer system, by a
26 municipality, or for the erection, construction, and location of
27 any treatment works or intercepting sewers by a person or
28 municipality, shall be submitted to the board for its approval
29 before the same are constructed or erected or acquired. Any such
30 construction or erection which has not been approved by the

1 board by written permit, or any treatment works not operated or
2 maintained in accordance with the rules and regulations of the
3 board, is hereby also declared to be a nuisance and abatable as
4 herein provided.]

5 (a) No person or municipality shall construct any sewer
6 system or sewage treatment works without first submitting all
7 plans designs, and relevant data for the same to the department
8 for its approval. Any such construction which has not been
9 approved by the department by written permit, or any sewer
10 system or sewage treatment works which is operated or maintained
11 contrary to the terms and conditions of a permit or contrary to
12 the rules and regulations of the department is hereby declared
13 to be a nuisance and abatable as herein provided.

14 (b) It shall not be necessary for any person or municipality
15 to obtain a written permit for the construction of a sewer
16 extension under this section or section 202 unless required by
17 rules and regulations promulgated pursuant to this section by
18 the Environmental Quality Board. In promulgating said
19 regulations the Environmental Quality Board shall consider, but
20 shall not be limited to, the following:

21 (i) whether the sewer extension is contained in an approved
22 official plan for sewage services adopted by the municipality
23 wherein the extension is to be constructed pursuant to section 5
24 of the act of January 24, 1966 (1965 P.L.1535, No.537), known as
25 the "Pennsylvania Sewage Facilities Act";

26 (ii) whether the sewer extension is being connected to a
27 sewer system or treatment works which is being maintained and
28 operated in accordance with this act and the rules and
29 regulations of the department;

30 (iii) the population served by the sewer extension; and

1 (iv) adequate protection of the public health.

2 (c) Any such sewer extension which is constructed or
3 maintained contrary to the terms and conditions of a permit is
4 hereby declared to be a nuisance and abatable as herein
5 provided.

6 Section 3. ~~This act~~ 4. (A) SECTION 2 OF THIS ACT, AMENDING <—
7 SECTION 203 OF "THE CLEAN STREAMS LAW," SHALL TAKE EFFECT
8 IMMEDIATELY.

9 (B) SECTIONS 1 AND 3 OF THIS ACT, AMENDING SECTIONS 1 AND
10 207 OF "THE CLEAN STREAMS LAW," shall take effect 60 days after
11 the Environmental Quality Board has promulgated regulations
12 pursuant to section 207(b) of this act.