
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 201

Session of
1983

INTRODUCED BY REIBMAN, FISHER, LLOYD, SINGEL, O'PAKE,
ANDREZESKI, LINCOLN AND LEWIS, FEBRUARY 4, 1983

AS HOUSE RECEDED FROM AMENDMENTS NONCONCURRED IN BY SENATE,
HOUSE OF REPRESENTATIVES, APRIL 24, 1984

AN ACT

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

4 TABLE OF CONTENTS

- 5 Section 1. Short title.
- 6 Section 2. Legislative findings and declaration.
- 7 Section 3. Definitions.
- 8 Section 4. Powers and duties of Environmental Quality Board.
- 9 Section 5. Powers and duties of department.
- 10 Section 6. Variances and exemptions.
- 11 Section 7. Permits.
- 12 Section 8. Inspections and recordkeeping requirements.
- 13 Section 9. Laboratories.
- 14 Section 10. Emergencies and imminent hazards.
- 15 Section 11. Public notification.
- 16 Section 12. Public nuisances.

1 Section 13. Penalties and remedies.
2 Section 14. Safe Drinking Water Account.
3 Section 15. Continuation of existing rules and regulations.
4 Section 16. Appropriations of Federal money.
5 Section 17. Administration of grants.
6 Section 18. Repeals.
7 Section 19. Effective date.

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

10 Section 1. Short title.

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

13 Section 2. Legislative findings and declaration.

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

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

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

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

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

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

1 and enforce the standards.

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

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

6 Section 3. Definitions.

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

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

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

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

18 "Department." The Department of Environmental Resources.

19 "Drinking water standards." Any requirements established by
20 the National Primary Drinking Water Regulations and National
21 Secondary Drinking Water Regulations or any State regulations
22 adopted pursuant to this act.

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

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

30 "Federal Act." The Federal Safe Drinking Water Act, as

1 amended, (Public Law 93-593, 42 U.S.C. § 300(f) et seq.).

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

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

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

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

13 "Person." Any individual, partnership, association, company,
14 corporation, municipality, municipal authority, political
15 subdivision or any agency of Federal or State government. ~~When~~ <—
16 ~~used in any clause prescribing and imposing a penalty, or~~
17 ~~imposing a fine or imprisonment, or both, the term "person"~~
18 ~~shall not exclude the members of an association and the officers~~
19 ~~or agents of a corporation.~~ THE TERM SHALL INCLUDE THE OFFICERS, <—
20 DIRECTORS, EMPLOYEES AND AGENTS OF ANY PARTNERSHIP, ASSOCIATION, <—
21 COMPANY, CORPORATION, MUNICIPALITY, MUNICIPAL AUTHORITY,
22 POLITICAL SUBDIVISION OR ANY AGENCY OF FEDERAL OR STATE
23 GOVERNMENT.

24 "Public water system." A system for the provision to the
25 public of water for human consumption which has at least 15
26 service connections or regularly serves an average of at least
27 25 individuals daily at least 60 days out of the year. The term
28 includes:

29 (1) Any collection, treatment, storage and distribution
30 facilities under control of the operator of such system and

1 used in connection with such system.

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

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

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

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

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

13 "TREATMENT TECHNIQUE." A REQUIREMENT WHICH SPECIFIES FOR A <—
14 CONTAMINANT A SPECIFIC TREATMENT METHOD WHICH IS KNOWN TO CAUSE
15 A REDUCTION IN THE LEVEL OF THE CONTAMINANT. A TREATMENT
16 TECHNIQUE MAY BE REQUIRED FOR CONTAMINANTS WHICH CANNOT
17 PRACTICALLY BE REGULATED BY ESTABLISHING A MAXIMUM CONTAMINANT
18 LEVEL.

19 "WATER FACILITIES LOAN BOARD." THE BOARD ESTABLISHED
20 PURSUANT TO 32 PA.C.S. § 7504 (RELATING TO WATER FACILITIES LOAN
21 BOARD) FOR THE PURPOSE SET FORTH IN THAT CHAPTER.

22 Section 4. Powers and duties of Environmental Quality Board.

23 (a) Board to establish standards, rules and regulations.--

24 The Environmental Quality Board shall have the power and its
25 duty shall be to adopt such rules and regulations of the

26 department, ~~as it deems necessary for the implementation of the~~ <—
27 ~~provisions of this act. The drinking water standards shall be no~~
28 ~~less and no more stringent than the National Primary Drinking~~
29 ~~Water Regulations and shall be no more stringent than the~~

30 ~~National Secondary Drinking Water Regulations.~~ GOVERNING THE <—

1 PROVISION OF DRINKING WATER TO THE PUBLIC, AS IT DEEMS NECESSARY
2 FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS ACT. THE BOARD
3 SHALL ADOPT MAXIMUM CONTAMINANT LEVELS AND TREATMENT TECHNIQUE
4 REQUIREMENTS NO LESS STRINGENT THAN THOSE PROMULGATED UNDER THE
5 FEDERAL ACT FOR ALL CONTAMINANTS REGULATED UNDER THE NATIONAL
6 PRIMARY AND SECONDARY DRINKING WATER REGULATIONS. THE BOARD MAY
7 ADOPT MAXIMUM CONTAMINANT LEVELS OR TREATMENT TECHNIQUE
8 REQUIREMENTS FOR ANY CONTAMINANT THAT A MAXIMUM CONTAMINANT
9 LEVEL OR TREATMENT TECHNIQUE REQUIREMENT HAS NOT BEEN
10 PROMULGATED UNDER THE NATIONAL PRIMARY AND SECONDARY DRINKING
11 WATER REGULATIONS.

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

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

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

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

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

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

30 Section 5. Powers and duties of department.

1 (a) State to assume primary enforcement.--The department
2 shall adopt and implement a public water supply program which
3 includes, but is not limited to, those program elements
4 necessary to assume State primary enforcement responsibility
5 under the Federal act. THE PUBLIC WATER SUPPLY PROGRAM SHALL <—
6 INCLUDE, BUT NOT BE LIMITED TO, MAXIMUM CONTAMINANT LEVELS OR
7 TREATMENT TECHNIQUE REQUIREMENTS ESTABLISHING DRINKING WATER
8 QUALITY STANDARDS, MONITORING, REPORTING, RECORDKEEPING AND
9 ANALYTICAL REQUIREMENTS, REQUIREMENTS FOR PUBLIC NOTIFICATION,
10 STANDARDS FOR CONSTRUCTION, OPERATION AND MODIFICATIONS TO
11 PUBLIC WATER SYSTEMS, EMERGENCY PROCEDURES, STANDARDS FOR
12 LABORATORY CERTIFICATION, AND COMPLIANCE AND ENFORCEMENT
13 PROCEDURES.

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

20 (1) Monitoring and inspection.

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

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

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

1 analytical measurements of all contaminants specified in the
2 drinking water standards.

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

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

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

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

22 (1) To institute in a court of competent jurisdiction,
23 proceedings against any person to compel compliance with the
24 provisions of this act, or the ~~rules and regulations~~ <—
25 ~~promulgated~~ DRINKING WATER STANDARDS or conditions of ~~permit~~ <—
26 PERMITS issued hereunder. <—

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

29 (3) To do any and all things and actions not
30 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

1 cause. It shall be sufficient probable cause to show any of the
2 following:

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

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

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

12 (h) ~~Additional authority of the department.~~ DELEGATION OF <—
13 FUNCTIONS AND FISCAL MATTERS.--The department is authorized to:

14 (1) Enter into agreements, contracts, or cooperative
15 arrangements under such terms and conditions as may be deemed
16 appropriate with other State agencies, Federal agencies,
17 interstate compact agencies, political subdivisions or other
18 persons, including agreements with local health departments
19 to delegate one or more of its regulatory functions to
20 inspect, monitor and enforce the act and drinking water
21 standards. The department shall monitor and supervise
22 activities of each local health department conducted pursuant
23 to such an agreement, for consistency with the department's
24 rules, regulations and policies. A local health department <—

25 ~~may request that the department initiate an agreement or~~
26 ~~contract with that local health department for the delegation~~
27 ~~of one or more of the department's regulatory functions under~~
28 ~~this act.~~ A LOCAL HEALTH DEPARTMENT, WHERE IT EXISTS IN EACH <—

29 OF THE COUNTIES OF THE COMMONWEALTH, MAY ELECT TO ADMINISTER
30 AND ENFORCE ANY OF THE PROVISIONS OF THIS ACT TOGETHER WITH

1 THE DEPARTMENT IN ACCORDANCE WITH THE ESTABLISHED POLICIES,
2 PROCEDURES, GUIDELINES, STANDARDS AND RULES AND REGULATIONS
3 OF THE DEPARTMENT. LOCAL HEALTH DEPARTMENTS ELECTING TO
4 ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ACT SHALL BE
5 FUNDED THROUGH CONTRACTUAL AGREEMENTS WITHIN THE DEPARTMENT
6 WHENEVER PROGRAM ACTIVITY EXCEEDS THE MINIMUM PROGRAM
7 REQUIREMENTS ESTABLISHED UNDER THE FORMER ACT OF APRIL 22,
8 1905 (P.L.260, NO.182), ENTITLED "AN ACT TO PRESERVE THE
9 PURITY OF THE WATERS OF THE STATE, FOR THE PROTECTION OF THE
10 PUBLIC HEALTH," ADOPTED BY THE ADVISORY HEALTH BOARD UNDER
11 THE PROVISIONS OF THE ACT OF AUGUST 24, 1951 (P.L.1304,
12 NO.315), KNOWN AS THE LOCAL HEALTH ADMINISTRATION LAW. THE
13 DEPARTMENT IS AUTHORIZED TO PROVIDE FUNDS TO LOCAL HEALTH
14 DEPARTMENTS ENTERING INTO AN AGREEMENT TO CONTRACT PURSUANT
15 TO THIS PARAGRAPH WHICH SHALL BE CONSIDERED TO BE AGENTS OF
16 THE DEPARTMENT FOR THE PURPOSE OF ENFORCEMENT OF THIS ACT.

17 (2) NOTWITHSTANDING THE GRANT OF POWERS IN PARAGRAPH
18 (1), IN ANY CASE WHERE ADMINISTRATION AND ENFORCEMENT OF THIS
19 ACT BY A LOCAL HEALTH DEPARTMENT SHALL CONFLICT WITH
20 ADMINISTRATION AND ENFORCEMENT BY THE DEPARTMENT, THE
21 DEPARTMENT SHALL SO NOTIFY THE LOCAL HEALTH DEPARTMENT OF THE
22 CONFLICT AND ADMINISTRATION AND ENFORCEMENT BY THE DEPARTMENT
23 SHALL TAKE PRECEDENCE OVER ADMINISTRATION AND ENFORCEMENT BY
24 A LOCAL HEALTH DEPARTMENT.

25 ~~(2)~~ (3) Receive financial and technical assistance from <—
26 the Federal Government and other public or private agencies
27 WHERE appropriate. <—

28 ~~(3)~~ (4) Establish fiscal controls and accounting <—
29 procedures.

30 ~~(4)~~ (5) Establish and collect fees for conducting <—

1 inspections, laboratory analyses and certifications as may be
2 necessary.

3 Section 6. Variances AND EXEMPTIONS. <—

4 (a) Department may authorize variances FROM A MAXIMUM <—
5 CONTAMINANT LEVEL.--The department may authorize variances from
6 ~~the regulations issued to this act~~ A MAXIMUM CONTAMINANT LEVEL <—
7 under conditions and in such manner as are deemed necessary and
8 desirable; provided, however, that such variances shall be
9 granted only upon finding that:

10 (1) Because of characteristics of the raw water sources
11 which are reasonably available, the public water system is
12 unable to comply with such regulations despite application of
13 the best technology, treatment techniques or other means
14 which the department finds are generally available, ~~taking~~ <—
15 ~~costs into consideration.~~

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

18 Notwithstanding the foregoing, variances may be granted for no
19 longer than ~~five~~ TWO years, subject to one or more renewals of <—
20 no longer than ~~five~~ TWO years each. ~~Before a variance is~~ <—
21 ~~granted, the department shall provide public notice and an~~
22 ~~opportunity for a public hearing.~~

23 (B) VARIANCES FROM TREATMENT TECHNIQUE REQUIREMENTS.--THE <—
24 DEPARTMENT MAY AUTHORIZE VARIANCES FROM A TREATMENT TECHNIQUE
25 REQUIRED UNDER THE DRINKING WATER STANDARDS IF THE PUBLIC WATER
26 SYSTEM APPLYING FOR THE VARIANCE DEMONSTRATES TO THE
27 SATISFACTION OF THE DEPARTMENT THAT THE TREATMENT TECHNIQUE IS
28 NOT NECESSARY TO PROTECT THE HEALTH OF PERSONS BECAUSE OF THE
29 NATURE OF THE RAW WATER SOURCES OF THE SYSTEM.

30 ~~(b)~~ (C) Department may authorize exemptions.--The department <—

1 may exempt any public water system from any requirement of an
2 applicable drinking water standard upon finding that:

3 (1) due to compelling factors ~~(which may include~~ <—
4 ~~economic factors)~~, the public water system is unable to
5 comply with such requirements;

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

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

13 ~~Before an exemption to be granted under this subsection may take~~ <—
14 ~~effect, the department shall provide notice and opportunity for~~
15 ~~public hearing on the proposed exemption.~~ All exemptions granted
16 with respect to a contaminant level or treatment technique
17 prescribed by the Federal regulation shall expire ~~on~~ NO LATER <—
18 THAN THE dates prescribed in the Federal act.

19 (D) PUBLIC NOTICE.--THE DEPARTMENT SHALL PROVIDE PUBLIC <—
20 NOTICE OF A REQUEST FOR A VARIANCE OR EXEMPTION PROVIDED FOR IN
21 SUBSECTIONS (A), (B) AND (C). THIS NOTICE SHALL PROVIDE FOR AT
22 LEAST A 30-DAY PUBLIC COMMENT PERIOD AND A PUBLIC HEARING BEFORE
23 A VARIANCE OR EXEMPTION IS GRANTED.

24 ~~(e)~~ (E) Board to adopt regulations governing variances and <—
25 exemptions.--Before the department shall grant any variance or
26 exemption, the board shall first adopt regulations governing the
27 procedures and conditions under which variances or exemptions
28 may be granted.

29 Section 7. Permits.

30 (a) Community water systems permits required.--It shall be

1 unlawful for any person to construct, operate or substantially
2 modify a community water system without first having received a
3 written permit from the department. A SUBSTANTIAL MODIFICATION <—
4 IS ONE WHICH MAY AFFECT QUALITY OR QUANTITY OF WATER SERVED TO
5 THE PUBLIC OR MAY BE PREJUDICIAL TO THE PUBLIC HEALTH OR SAFETY.

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

10 (1) THE NONCOMMUNITY WATER SYSTEM IS OPERATED UNDER A
11 VALID PERMIT ISSUED UNDER OTHER LAW, SUCH AS THE ACT OF MAY
12 23, 1945 (P.L.926, NO.369), REFERRED TO AS THE PUBLIC EATING
13 AND DRINKING PLACE LAW, OR THE ACT OF JUNE 23, 1978 (P.L.537,
14 NO.93), KNOWN AS THE SEASONAL FARM LABOR ACT, OR THE
15 NONCOMMUNITY WATER SYSTEM IS A TYPE WHICH THE DEPARTMENT
16 DETERMINES CAN BE ADEQUATELY REGULATED THROUGH STANDARDIZED
17 SPECIFICATIONS AND CONDITIONS; AND

18 (2) THE NONCOMMUNITY WATER SYSTEM COMPLIES WITH ALL
19 OTHER REQUIREMENTS OF THIS ACT AND THE REGULATIONS ADOPTED
20 UNDER IT.

21 ~~unless the construction, operation or modification is~~ <—
22 ~~otherwise authorized under regulations adopted pursuant to this~~
23 ~~act.~~

24 (c) No permit required for waterline extensions.--Nothing in
25 this section shall be construed to mean that a permit shall be
26 required by the department for waterline extensions to a public
27 water system. ~~However, the public water system must notify the~~ <—
28 ~~department in writing of such extensions. The public water~~
29 ~~system shall maintain records of waterline extensions and shall~~
30 ~~make such records available to the department upon request.~~

1 (D) SYSTEM DISTRIBUTION MAP.--THE PUBLIC WATER SUPPLIER <—
2 SHALL SUPPLY THE DEPARTMENT WITH A COPY OF ITS SYSTEM
3 DISTRIBUTION MAP. THE PUBLIC WATER SUPPLIER SHALL SUPPLY UPDATES
4 OF ITS DISTRIBUTION MAP TO THE DEPARTMENT ANNUALLY.

5 ~~(d)~~ (E) Applications.--Applications for permits shall be <—
6 submitted in writing to the department in such form and with
7 such accompanying data as shall be prescribed by the department,
8 and shall include maps, drawing specifications and designers'
9 reports prepared by a professional engineer, registered to
10 practice in Pennsylvania. AT THE REQUEST OF THE DEPARTMENT OR <—
11 ANY PERSON INTENDING TO SUBMIT AN APPLICATION FOR A PERMIT, A
12 PREAPPLICATION CONFERENCE CAN BE CONDUCTED BETWEEN THE
13 DEPARTMENT AND THE APPLICANT, THE PURPOSE OF WHICH IS TO
14 FACILITATE THE FILING OF THE PROPOSED PERMIT APPLICATION IN
15 COMPLIANCE WITH THIS ACT. A CONFERENCE SHALL BE CONDUCTED
16 BETWEEN THE DEPARTMENT AND THE APPLICANT AT THE TIME THE
17 APPLICATION FOR A PERMIT IS SUBMITTED TO THE DEPARTMENT. IF THE
18 DEPARTMENT DETERMINES THE PERMIT APPLICATION IS INCOMPLETE, IT
19 SHALL REQUEST SUCH ADDITIONAL INFORMATION IN WRITING FROM THE
20 APPLICANT WITHIN 90 CALENDAR DAYS OF ITS RECEIPT OF A PERMIT
21 APPLICATION. THE DEPARTMENT SHALL GRANT OR DENY A PERMIT WITHIN
22 120 CALENDAR DAYS FROM ITS RECEIPT OF AN APPLICATION OR WITHIN
23 120 DAYS FROM ITS RECEIPT OF THE WRITTEN RESPONSE FOR ADDITIONAL
24 INFORMATION.

25 ~~(e)~~ (F) Permit fee.--Each application shall be accompanied <—
26 by a permit fee established by regulations under this act.

27 ~~(f)~~ (G) Permits issued under prior law.--Any permits issued <—
28 prior to the effective date of this act, under the act of April
29 22, 1905 (P.L.260, No.182), entitled "An act to preserve the
30 purity of the waters of the State, for the protection of the

1 public health," and the act of April 9, 1929 (P.L.177, No.175),
2 known as The Administrative Code of 1929, shall be deemed a
3 permit issued pursuant to this act.

4 ~~(g)~~ (H) Conditions may be included in permit.--The <—
5 department may include in each permit general and specific
6 conditions to insure the proper operation of the public water
7 system and the furnishing of an adequate, safe and potable
8 supply of water.

9 ~~(h)~~ (I) Permit not transferable.--No permit may be <—
10 transferred without written approval by the department.

11 ~~(i) Permit may be denied, etc. The department may deny,~~ <—
12 ~~revoke, suspend, limit or modify a permit due to a finding that~~
13 ~~the continued operation of a public water system is prejudicial~~
14 ~~to the public health.~~

15 (J) PERMIT ISSUANCE AND CONDITIONS.--THE DEPARTMENT SHALL <—
16 HAVE THE POWER TO GRANT A PERMIT IF IT DETERMINES THAT THE
17 PROPOSED WATER SYSTEM IS NOT PREJUDICIAL TO THE PUBLIC HEALTH
18 AND COMPLIES WITH THE PROVISIONS OF THIS ACT, THE REGULATIONS
19 ADOPTED HEREUNDER, AND ALL OTHER APPLICABLE LAWS ADMINISTERED BY
20 THE DEPARTMENT. THE DEPARTMENT MAY IMPOSE SUCH PERMIT TERMS AND
21 CONDITIONS REGARDING CONSTRUCTION, OPERATION, MAINTENANCE,
22 INSPECTION AND MONITORING OF THE PROJECT AS ARE NECESSARY TO
23 ASSURE COMPLIANCE WITH THIS ACT AND OTHER LAWS ADMINISTERED BY
24 THE DEPARTMENT.

25 (K) PERMIT SUSPENSION, REVOCATION AND MODIFICATION.--THE
26 DEPARTMENT MAY ISSUE SUCH ORDERS SUSPENDING, REVOKING OR
27 MODIFYING PERMITS THAT ARE NECESSARY TO CORRECT ANY VIOLATION OF
28 THIS ACT OR REGULATIONS ADOPTED UNDER THIS ACT, OR FOR
29 NONCOMPLIANCE WITH A CONDITION OF THE PERMIT, OR UPON A FINDING
30 OF A CONDITION PREJUDICIAL TO THE PUBLIC HEALTH.

1 Section 8. Inspections and recordkeeping requirements.

2 (a) Department authorized to inspect, test, etc.--The
3 department is authorized to make inspections and conduct tests
4 or sampling, including the examination and copying of books,
5 papers, records and data, pertinent to any matter under
6 investigation in order to determine compliance with this act and
7 for this purpose, the duly authorized agents and employees of
8 the department are authorized at all reasonable times to enter
9 and examine any property, facility, operation or activity.

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

17 Section 9. Laboratories.

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

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

29 (c) Laboratories to be inspected.--The department shall
30 periodically inspect and certify laboratories and laboratory

1 offices that meet the standards established under subsection
2 (a).

3 Section 10. Emergencies and imminent hazards.

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

15 (b) Department may order temporary emergency actions.--The
16 department, upon receipt of information that a contaminant which
17 is present in or is likely to enter a public water system may
18 present an imminent and substantial risk to the health of
19 persons, may take or order a public water system to take such
20 temporary emergency actions as it deems necessary in order to
21 protect the health of such persons. THE DEPARTMENT MAY ASSESS <—
22 THE RESPONSIBLE WATER SUPPLIER WITH COSTS OF TEMPORARY ACTIONS
23 TAKEN BY THE DEPARTMENT, EXCEPT WHERE SUCH ACTION IS IN THE
24 NORMAL COURSE OF ITS DUTIES.

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

30 (D) PRIORITY STATUS FOR EMERGENCY WATER FACILITIES LOANS.-- <—

1 WHEN THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY DETERMINES AN
2 EMERGENCY EXISTS IN A PUBLIC WATER SYSTEM WHICH DESIRES A LOAN
3 FROM THE WATER FACILITIES LOAN BOARD, THE PENNSYLVANIA EMERGENCY
4 MANAGEMENT AGENCY SHALL ADVISE THE WATER FACILITIES LOAN BOARD
5 OF THE EMERGENCY. THE WATER FACILITIES LOAN BOARD SHALL ACCORD
6 LOAN APPLICATIONS FROM PUBLIC WATER SYSTEMS WITH EMERGENCIES
7 DESIGNATED BY THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY WITH
8 PRIORITY ABOVE ALL NONEMERGENCY APPLICATIONS. THE EMERGENCY
9 PRIORITY STATUS AFFECTS ONLY THE ORDER IN WHICH LOAN
10 APPLICATIONS WILL BE CONSIDERED BY THE WATER FACILITIES LOAN
11 BOARD AND DOES NOT MODIFY THE APPLICATION REQUIREMENTS OR
12 STANDARDS BY WHICH THE BOARD DETERMINES WHETHER A LOAN WILL BE
13 OFFERED.

14 Section 11. Public notification.

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

18 (1) is not in compliance with the regulations adopted to
19 comply with National Primary Drinking Water Regulations;

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

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

24 (4) is subject to an exemption; or

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

27 (b) Newspaper notice.--Such notice shall be given by the
28 permittee by publication in a newspaper of general circulation
29 within the area served by such water system at least once every
30 three months so long as the violation, variance or exemption

1 continues.

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

6 (D) NONCOMMUNITY WATER SYSTEMS.--IF THE PUBLIC WATER SYSTEM <—
7 IS A NONCOMMUNITY WATER SYSTEM, THE NOTICE SHALL BE GIVEN BY
8 CONSPICUOUS POSTING, IN A LOCATION WHERE IT CAN BE SEEN BY
9 CONSUMERS, RATHER THAN IN THE MANNER SPECIFIED IN SUBSECTIONS
10 (B) AND (C).

11 ~~(d)~~ (E) Alternate notice.--The department may prescribe <—
12 alternative notice requirements for violations of other
13 regulations adopted pursuant to this act.

14 Section 12. Public nuisances.

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

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

1 Section 13. Penalties and remedies.

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

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

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

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

27 (c) Summary offense.--Any person who violates any provision
28 of this act, or any rule or regulation of the department, any
29 order of the department, or any condition of any permit of the
30 department issued pursuant to this act, is guilty of a summary

1 offense and, upon conviction, shall be subject to a fine of not
2 less than \$50 nor more than \$5,000, and costs, for each separate
3 offense and, in default of the payment of such fine or costs, a
4 person shall be ~~imprisoned~~ SUBJECT TO IMPRISONMENT for not less <—
5 than 30 days nor more than 90 days.

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

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

24 (F) PREENFORCEMENT CONFERENCE.--NOTWITHSTANDING ANY OTHER <—
25 PROVISION OF THIS ACT, BEFORE THE DEPARTMENT SHALL INSTITUTE ANY
26 CRIMINAL PROCEEDINGS AGAINST ANY PERSON PURSUANT TO SUBSECTIONS
27 (C), (D) AND (E) IT SHALL, IN WRITING, PROVIDE SUCH PERSON WITH
28 AN OPPORTUNITY FOR A PREENFORCEMENT CONFERENCE.

29 ~~(f)~~ (G) Civil penalties.--In addition to proceeding under <—
30 any other remedy available at law or in equity for a violation

1 of any provision of this act, any rule or regulation of the
2 department or order of the department or any term or condition
3 of any permit issued by the department, the department may
4 assess a civil penalty upon a person for such violation. Such a
5 penalty may be assessed whether or not the violation was willful
6 or negligent. When the department assesses a civil penalty, it
7 shall inform the person of the amount of the penalty. The person
8 charged with the penalty shall then have 30 days to pay the
9 penalty in full or, if the person wishes to contest either the
10 amount of the penalty or the fact of the violation, the person
11 shall within the 30-day period, file an appeal of the action
12 with the Environmental Hearing Board. Failure to appeal within
13 30 days shall result in a waiver of all legal rights to contest
14 the violation or the amount of the penalty. The maximum civil
15 penalty which may be assessed pursuant to this section is \$5,000
16 per day for each violation. Each violation for each separate day
17 and each violation of any provision of this act, any rule or
18 regulation under this act, any order to the department or any
19 term or condition of the permit shall constitute a separate and
20 distinct offense under this section.

21 ~~(g)~~ (H) Penalties to be concurrent.--The penalties and <—
22 remedies prescribed by this act shall be deemed concurrent and
23 the existence of or exercise of any remedy shall not prevent the
24 department from exercising any other remedy hereunder, at law or
25 in equity.

26 ~~(h)~~ (I) Separate offenses.--Violations on separate days <—
27 shall constitute separate offenses for purposes of this act.

28 ~~(i)~~ (J) TAMPERING WITH PUBLIC WATER SYSTEMS.-- <—

29 (1) ANY PERSON WHO ENDANGERS THE HEALTH OF PERSONS BY
30 KNOWINGLY INTRODUCING ANY CONTAMINANT INTO A PUBLIC WATER

1 SYSTEM OR TAMPERING WITH A PUBLIC WATER SYSTEM SHALL BE FINED
2 NOT MORE THAN \$50,000 OR IMPRISONED FOR NOT MORE THAN FIVE
3 YEARS, OR BOTH.

4 (2) ANY PERSON WHO ATTEMPTS TO ENDANGER OR MAKES A
5 THREAT TO ENDANGER THE HEALTH OF PERSONS BY KNOWINGLY
6 INTRODUCING ANY CONTAMINANT INTO A PUBLIC WATER SYSTEM OR
7 TAMPERING WITH A PUBLIC WATER SYSTEM SHALL BE FINED NOT MORE
8 THAN \$20,000 OR IMPRISONED FOR NOT MORE THAN THREE YEARS, OR
9 BOTH.

10 (3) THE DEPARTMENT MAY BRING A CIVIL ACTION IN THE
11 APPROPRIATE COURT OF COMMON PLEAS AGAINST ANY PERSON WHO
12 ENDANGERS, ATTEMPTS TO ENDANGER OR MAKES A THREAT TO ENDANGER
13 THE HEALTH OF PERSONS OR OTHERWISE RENDERS THE WATER UNFIT
14 FOR HUMAN CONSUMPTION BY THE INTRODUCTION OF ANY CONTAMINANT
15 INTO A PUBLIC WATER SYSTEM OR TAMPERING WITH A PUBLIC WATER
16 SYSTEM. THE COURT MAY IMPOSE ON SUCH PERSON A CIVIL PENALTY
17 OF NOT MORE THAN \$50,000 FOR EACH DAY THAT SUCH ENDANGERMENT
18 OR INABILITY TO CONSUME THE WATER EXISTS.

19 Section 14. Safe Drinking Water Account.

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

28 Section 15. Continuation of existing rules and regulations.

29 All rules and regulations promulgated pursuant to any
30 statutes repealed by this act are continued in full force and

1 effect until superseded and repealed by rules and regulations
2 promulgated pursuant to this act.

3 Section 16. Appropriations of Federal money.

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

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

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

14 Section 17. Administration of grants.

15 For purposes of the administration of grants to local health
16 departments for environmental services pursuant to the act of
17 August 24, 1951 (P.L.1304, No.315), known as the Local Health
18 Administration Law, this act shall be deemed to be the successor
19 to the act of April 22, 1905 (P.L.260, No.182), entitled "An act
20 to preserve the purity of the waters of the State, for the
21 protection of the public health." A local health department
22 shall be deemed to have satisfied the minimum program activities
23 for water supply programs if it undertakes those activities with
24 reference to this act and any regulations adopted hereunder. The
25 Department of Health shall amend the regulations relating to
26 standards for environmental health services to reflect the
27 provisions of this act, including the repeals made hereunder. To <—
28 ~~the extent that public water supply program responsibilities~~
29 ~~delegated by the department pursuant to an agreement with a~~
30 ~~local health department exceed those activities required for~~

1 ~~eligibility for the local health department grant programs, the~~
2 ~~department is authorized to expend funds appropriated to this~~
3 ~~program for the purpose of assisting local health departments to~~
4 ~~carry out those additional activities.~~ WHERE THE DEPARTMENT OF <—
5 HEALTH AMENDS THE STANDARDS FOR ENVIRONMENTAL HEALTH SERVICES BY
6 LOCAL HEALTH DEPARTMENTS TO EXCEED EXISTING ACTIVITY BY LOCAL
7 HEALTH DEPARTMENTS IN ACCORDANCE WITH THIS ACT, THE ADDITIONAL
8 ACTIVITY SHALL BE FUNDED BY THE DEPARTMENT FROM FUNDS
9 APPROPRIATED TO THE DEPARTMENT TO CARRY OUT THE PURPOSE OF THIS
10 ACT.

11 Section 18. Repeals.

12 The following acts are repealed:

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

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

22 Section 19. Effective date.

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

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