

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1910 Session of
1989

INTRODUCED BY BROUJOS, FOSTER, MRKONIC, NAILOR, JOHNSON,
DeWEESE, SCHULER, NOYE, HALUSKA, DISTLER, DORR, MORRIS,
McHALE, SAURMAN, HERMAN, TIGUE, BUNT, WILLIAMS, BURD, ALLEN,
MELIO, CIVERA, J. H. CLARK, KAISER, COLE AND VAN HORNE,
SEPTEMBER 27, 1989

REFERRED TO COMMITTEE ON CONSERVATION, SEPTEMBER 27, 1989

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employees in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employees of certain departments, boards and
20 commissions shall be determined," deleting a certain notice
21 requirement with respect to water quality permits.

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

24 Section 1. Section 1905-A of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 amended February 17, 1984 (P.L.75, No.14), is amended to read:

1 Section 1905-A. Cooperation with Municipalities.--(a) The
2 Department of Environmental Resources shall cooperate with
3 municipalities in the construction and completion of projects
4 and improvements for the conservation of water and the control
5 of floods. For this purpose, the department shall have the power
6 to use and expend any funds advanced by municipalities, under
7 authority of law, on the projects and improvements designated,
8 when such funds are advanced, in the same manner as it expends
9 any funds appropriated by the Commonwealth for similar purposes.

10 (b) (1) The Department of Environmental Resources shall
11 require every applicant for the following permits and permit
12 revisions to give written notice to each municipality in which
13 the activities are located:

14 (i) Air quality permits applied for pursuant to the act of
15 January 8, 1960 (1959 P.L.2119, No.787), known as the "Air
16 Pollution Control Act."

17 (ii) Water allocation permits applied for pursuant to the
18 act of June 24, 1939 (P.L.842, No.365), entitled "An act
19 relating to the acquisition of rights to divert water from
20 rivers, streams, natural lakes, and ponds, or other surface
21 waters within the Commonwealth or partly within and partly
22 without the Commonwealth; defining various words and phrases;
23 vesting in the Water and Power Resources Board certain powers
24 and authorities for the conservation, control and equitable use
25 of the waters within the Commonwealth in the interests of the
26 people of the Commonwealth; making available for public water
27 supply purposes, water rights heretofore or hereafter acquired
28 but not used; providing for hearings by the Water and Power
29 Resources Board and for appeals from its decisions; fixing fees;
30 granting to all public water supply agencies heretofore or

1 hereafter created the right of eminent domain as to waters and
2 the land covered by said waters; repealing all acts or parts of
3 acts inconsistent herewith, including Act No.109, Pamphlet Laws
4 152, approved April 13, 1905, Act No.307, Pamphlet Laws 455,
5 approved June 7, 1907, Act No.64, Pamphlet Laws 258, approved
6 April 8, 1937."

7 (iii) Water obstruction permits applied for pursuant to the
8 act of November 26, 1978 (P.L.1375, No.325), known as the "Dam
9 Safety and Encroachments Act."

10 (iv) Water quality permits, except permits relating to coal
11 mining activities, and except permits applied for by the
12 municipality affected, applied for pursuant to the act of June
13 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law."

14 (v) Solid waste and hazardous waste permits applied for
15 pursuant to the act of July 7, 1980 (P.L.380, No.97), known as
16 the "Solid Waste Management Act."

17 (2) In the case of written notices sent pursuant to
18 subclauses (i), (ii)[,] and (iii) [and (iv)], the written
19 notices shall be received by the municipalities at least thirty
20 (30) days before the Department of Environmental Resources may
21 issue or deny the permit. In the case of written notices sent
22 pursuant to subclause (v), the written notices shall be received
23 by the municipalities at least sixty (60) days before the
24 Department of Environmental Resources may issue or deny the
25 permit.

26 (3) The provisions of this subsection shall not apply to
27 permits relating to coal mining activities issued under the act
28 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams
29 Law," the act of May 31, 1945 (P.L.1198, No.418), known as the
30 "Surface Mining Conservation and Reclamation Act," the act of

1 April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as "The
2 Bituminous Mine Subsidence and Land Conservation Act," and the
3 act of September 24, 1968 (P.L.1040, No.318), known as the "Coal
4 Refuse Disposal Control Act."

5 Section 2. This act shall take effect in 60 days.