

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2222 Session of 2018

INTRODUCED BY MOUL, TURZAI, SAYLOR, BENNINGHOFF, GROVE, TALLMAN, ROTHMAN, WARD, B. MILLER, MCGINNIS, MILLARD, ZIMMERMAN, MENTZER, IRVIN, KEEFER, HANNA, EVANKOVICH, NELSON, WHEELAND, PHILLIPS-HILL, REESE, TOBASH, COX, D. COSTA, HARKINS, SCHEMEL, JOZWIAK, F. KELLER, PICKETT, CHRISTIANA, DIAMOND, DUSH, SONNEY, SAINATO, BURNS, NEILSON, KLUNK, BARBIN, WENTLING, CAUSER, ROAE, MARSICO, CUTLER, EVERETT, NESBIT, METZGAR, P. COSTA, METCALFE, RAPP, MASSER, BLOOM, READSHAW, KAUFFMAN, COOK, RADER, ORTITAY, TOPPER, SANKEY, DELOZIER, RYAN, WARNER, BERNSTINE AND TOEPEL, MAY 29, 2018

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 29, 2018

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania  
 2 Consolidated Statutes, in water resources planning, providing  
 3 for departmental control of groundwater matters and for  
 4 groundwater regulation review.

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

7 Section 1. Title 27 of the Pennsylvania Consolidated  
 8 Statutes is amended by adding sections to read:

9 § 3105. Departmental control of groundwater matters.

10 (a) Exclusive authority.--The department shall exercise  
 11 exclusive authority to:

12 (1) Regulate groundwater within this Commonwealth.

13 (2) Impose fees, fines or penalties regarding the use,  
 14 withdrawal or retention of groundwater within this  
 15 Commonwealth.

1           (3) Regulate the impact that drilling may have on  
2 groundwater within this Commonwealth.

3           (4) Mandate the testing of groundwater within this  
4 Commonwealth.

5       (b) Consultation.--The department may consult with other  
6 entities in exercising its authority under subsection (a), but  
7 the department shall be the sole entity responsible for taking  
8 any of the actions specified under subsection (a).

9 § 3106. Groundwater regulation review.

10       (a) Submittal.--At the conclusion of the review process  
11 required by the act of June 25, 1982 (P.L.633, No.181), known as  
12 the Regulatory Review Act, but before a new regulation or an  
13 amendment to an existing regulation which is proposed by the  
14 department and which concerns groundwater within this  
15 Commonwealth is promulgated, the new regulation or amendment  
16 must be submitted to the Environmental Resources and Energy  
17 Committee of the Senate and the Environmental Resources and  
18 Energy Committee of the House of Representatives for approval.  
19 For purposes of this section, the imposition of a new fee, fine  
20 or penalty, or an increase in the amount of an existing imposed  
21 fee, fine or penalty, concerning groundwater within this  
22 Commonwealth shall be considered a new regulation or an  
23 amendment to an existing regulation and shall proceed through  
24 the process specified in this section.

25       (b) Review process.--Each committee specified under  
26 subsection (a) shall hold a meeting and vote to approve or  
27 disapprove the regulation or amendment specified under  
28 subsection (a) within 15 legislative session days after  
29 receiving the proposed regulation or amendment. The following  
30 shall apply:

1       (1) If a committee votes to disapprove the regulation or  
2 amendment, the committee shall submit written notice of the  
3 disapproval to the department. The notice shall state the  
4 reason for the disapproval. The department may amend the  
5 regulation or amendment after considering the reason for the  
6 disapproval and resubmit the amended version for review under  
7 this subsection.

8       (2) If a committee does not vote to approve or  
9 disapprove the regulation or amendment within the required  
10 time period, the committee shall be deemed to have  
11 disapproved the regulation or amendment.

12       (c) Promulgation.--The regulation or amendment specified  
13 under subsection (a) shall not be promulgated until it has  
14 received the approval of each committee under the review process  
15 specified in this section.

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