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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2670 Session of  
2018

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INTRODUCED BY FRITZ, TALLMAN, MILLARD, RYAN, BERNSTINE, JAMES,  
GROVE, KAUFER, SAYLOR, MOUL, PICKETT, WHEELAND, KEEFER AND  
OBERLANDER, OCTOBER 1, 2018

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
OCTOBER 1, 2018

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AN ACT

1 Amending the act of July 7, 1961 (P.L.518, No.268), entitled "An  
2 act to create a regional agency by intergovernmental compact  
3 for the planning, conservation, utilization, development,  
4 management and control of the water and related natural  
5 resources of the Delaware River Basin, for the improvement of  
6 navigation, reduction of flood damage, regulation of water  
7 quality, control of pollution, development of water supply,  
8 hydroelectric energy, fish and wildlife habitat and public  
9 recreational facilities, and other purposes, and defining the  
10 functions, powers and duties of such agency," in pollution  
11 control, further providing for enforcement; and, in general  
12 provisions, further providing for effect on riparian rights.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Sections 5.4 and 14.19 of the act of July 7, 1961  
16 (P.L.518, No.268), known as the Delaware River Basin Compact,  
17 are amended to read:

18 Section 5.4. Enforcement. [The] Except for matters relating  
19 to on-lot septic systems, the commission may, after  
20 investigation and hearing, issue an order or orders upon any  
21 person or public or private corporation, or other entity, to  
22 cease the discharge of sewage, industrial or other waste into

1 waters of the basin which it determines to be in violation of  
2 such rules and regulations as it shall have adopted for the  
3 prevention and abatement of pollution. Any such order or orders  
4 may prescribe the date, including a reasonable time for the  
5 construction of any necessary works, on or before which such  
6 discharge shall be wholly or partially discontinued, modified or  
7 treated, or otherwise conformed to the requirements of such  
8 rules and regulations. Such order shall be reviewable in any  
9 court of competent jurisdiction. The courts of the signatory  
10 parties shall have jurisdiction to enforce against any person,  
11 public or private corporation, or other entity, any and all  
12 provisions of this article or of any such order. The commission  
13 may bring an action in its own name in any such court of  
14 competent jurisdiction to compel compliance with any provision  
15 of this article, or any rule or regulation issued pursuant  
16 thereto or of any such order, according to the practice and  
17 procedure of the court. In matters relating to on-lot septic  
18 systems, the commission may report its investigation findings to  
19 the water pollution abatement agencies of the signatory parties.

20 Section 14.19. Effect on Riparian Rights or On-Lot Septic  
21 Systems. Nothing contained in this compact shall be construed as  
22 affecting or intending to affect or in any way to interfere with  
23 the law of the respective signatory parties relating to riparian  
24 rights or on-lot septic systems.

25 Section 2. The Secretary of the Commonwealth shall publish a  
26 notice in the Pennsylvania Bulletin upon enactment of  
27 legislation having an identical effect as section 1 of this act  
28 by the Congress of the United States and the states of Delaware,  
29 New Jersey and New York.

30 Section 3. This act shall take effect as follows:

1           (1) Section 1 of this act shall take effect upon  
2 publication of the notice required by section 2 of this act.  
3           (2) The remainder of this act shall take effect  
4 immediately.