
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 804 Session of
2019

INTRODUCED BY MOUL, KLUNK, B. MILLER, RYAN, COX, SCHEMEL, IRVIN,
BERNSTINE, RADER, ZIMMERMAN, TOPPER, MILLARD, PICKETT,
EVERETT, NESBIT, MENTZER, SANKEY, ROTHMAN, METCALFE, MASSER
AND SAINATO, MARCH 13, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 13, 2019

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.

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

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

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

7 § 3106. Groundwater regulation review.

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

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

29 (1) If a committee votes to disapprove the regulation or
30 amendment, the committee shall submit written notice of the

1 disapproval to the department. The notice shall state the
2 reason for the disapproval. The department may amend the
3 regulation or amendment after considering the reason for the
4 disapproval and resubmit the amended version for review under
5 this subsection.

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

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

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