
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 557 Session of
2019

INTRODUCED BY KILLION, COSTA AND HAYWOOD, APRIL 16, 2019

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 16, 2019

AN ACT

1 Amending the act of June 22, 1937 (P.L.1987, No.394), entitled
2 "An act to preserve and improve the purity of the waters of
3 the Commonwealth for the protection of public health, animal
4 and aquatic life, and for industrial consumption, and
5 recreation; empowering and directing the creation of
6 indebtedness or the issuing of non-debt revenue bonds by
7 political subdivisions to provide works to abate pollution;
8 providing protection of water supply and water quality;
9 providing for the jurisdiction of courts in the enforcement
10 thereof; providing additional remedies for abating pollution
11 of waters; imposing certain penalties; repealing certain
12 acts; regulating discharges of sewage and industrial wastes;
13 regulating the operation of mines and regulating the impact
14 of mining upon water quality, supply and quantity; placing
15 responsibilities upon landowners and land occupiers and to
16 maintain primary jurisdiction over surface coal mining in
17 Pennsylvania," in general provisions and public policy,
18 further providing for definitions; and, in domestic water
19 supplies, further providing for protection of domestic water
20 supplies.

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

23 Section 1. Section 1 of the act of June 22, 1937 (P.L.1987,
24 No.394), known as The Clean Streams Law, is amended by adding a
25 definition to read:

26 Section 1. Definitions.--Be it enacted, &c., That the
27 following words or phrases, unless the context clearly indicates

1 otherwise, shall have the meanings ascribed to them in this
2 section.

3 * * *

4 "Private water supply" shall mean any water, private water
5 well or other privately owned water source for consumption or
6 recreation.

7 * * *

8 Section 2. Section 501 of the act is amended to read:

9 Section 501. Protection of Domestic Water Supplies.--(a) In
10 addition to the powers and authority hereinbefore granted, power
11 and authority is hereby conferred upon the department, after due
12 notice and public hearing, to make, adopt, promulgate, and
13 enforce reasonable orders and regulations for the protection of
14 any source of water for present or future supply to the public
15 or individual private property owners, and prohibiting the
16 pollution of any such source of water rendering the same
17 inimical or injurious to the public health or objectionable for
18 [public] certain domestic water supply purposes.

19 (b) The department shall promulgate regulations that require
20 a person subject to the provisions of this section to submit
21 plans to the department that provide for notification to private
22 landowners within five hundred feet of any project or activity
23 covered by this section. The notification shall include the
24 rights and obligations available to the private landowners under
25 this section.

26 (c) A person subject to provisions of this act shall provide
27 a private landowner the opportunity to opt-in to a program that
28 provides pre-project testing and post-project testing of any
29 private water supply within five hundred feet of a project
30 requiring a permit under this section or the regulations adopted

1 under this section. The program shall establish a pre-project
2 water quality baseline for which the person subject to the
3 provisions of this section must maintain throughout the duration
4 of the project, subject to permits under this section.

5 (d) (1) A private landowner suffering pollution or
6 diminution of a private water supply as a result of a project
7 requiring a permit under this section or the regulations adopted
8 under this section may notify the department and request that an
9 investigation be conducted.

10 (2) Within ten days of notification under paragraph (1), the
11 department shall investigate the claim and make a determination
12 within one hundred twenty-five days following notification. In
13 the event a determination cannot be made in one hundred twenty-
14 five days, the department shall submit a preliminary report to
15 the private landowner under paragraph (1) and may elect to
16 extend the deadline one time for a period of no more than one
17 hundred twenty-five days.

18 (3) If the department finds that the pollution or diminution
19 was caused by activities requiring a permit under this section
20 or the regulations adopted under this section, alteration or
21 operation activities, or if the department presumes the person
22 was responsible for pollution, the department shall issue orders
23 to the person, including orders requiring temporary replacement
24 of a water supply, if it is determined that pollution or
25 diminution may be of limited duration.

26 (e) The department may issue orders suspending, revoking or
27 modifying permits that are necessary to correct any violation of
28 this act or regulations adopted under this act for noncompliance
29 with a condition of the permit or upon a finding of a condition
30 prejudicial to the public health.

1 Section 3. This act shall take effect in 60 days.