

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 619 Session of 2019

INTRODUCED BY YAW, MENSCH, HUTCHINSON, DINNIMAN, SCARNATI, K. WARD, MARTIN, BARTOLOTTA, J. WARD AND REGAN, MAY 10, 2019

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, JUNE 4, 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 other pollutions
19 and potential pollution, providing for notice of discharge
20 endangering health or the environment.

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

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

26 Section 1. Definitions.--Be it enacted, &c., That the

1 following words or phrases, unless the context clearly indicates  
2 otherwise, shall have the meanings ascribed to them in this  
3 section.

4 \* \* \*

5 "Pollution" shall be construed to mean contamination of any  
6 waters of the Commonwealth such as will create or is likely to  
7 create a nuisance or to render such waters harmful, detrimental  
8 or injurious to public health, safety or welfare, or to  
9 domestic, municipal, commercial, industrial, agricultural,  
10 recreational, or other legitimate beneficial uses, or to  
11 livestock, wild animals, birds, fish or other aquatic life,  
12 including but not limited to such contamination by alteration of  
13 the physical, chemical or biological properties of such waters,  
14 or change in temperature, taste, color or odor thereof, or the  
15 discharge of any liquid, gaseous, radioactive, solid or other  
16 substances into such waters. The department shall determine when  
17 a discharge constitutes pollution, as herein defined, and shall  
18 establish standards whereby and wherefrom it can be ascertained  
19 and determined whether any such discharge does or does not  
20 constitute pollution as herein defined. An accidental discharge,  
21 spill or release that does not cause a violation of any of the  
22 numeric water quality criteria under 25 Pa. Code Ch. 93 <--  
23 (relating to water quality standards) (RELATING TO ENVIRONMENTAL <--  
24 PROTECTION) for the receiving water does not constitute  
25 pollution.

26 \* \* \*

27 Section 2. The act is amended by adding a section to read:

28 Section 404. Notice of Discharge Endangering Health or the  
29 Environment.--A person who discharges, spills or releases a  
30 substance to the waters of this Commonwealth, or to a location

1 from which it is likely to enter the waters of this  
2 Commonwealth, taking into account any control and remedial  
3 measures, must notify the department if the discharge, spill or  
4 release is not authorized by a permit from the department and:

5 (1) causes or will cause a violation of water quality  
6 criteria under 25 Pa. Code Ch. 93 (relating to water quality <--  
7 standards) (RELATING TO ENVIRONMENTAL PROTECTION) for the <--  
8 receiving waters; or

9 (2) exceeds reportable quantities established under section  
10 301 of the Federal Water Pollution Control Act (62 Stat. 1155,  
11 33 U.S.C. § 1311).

12 Section 3. Within 90 days of the effective date of this  
13 section, the Department of Environmental Protection shall  
14 promulgate regulations to carry out the provisions of this act.

15 Section 4. This act shall take effect in 60 days.