

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1212 Session of
2013

INTRODUCED BY MALONEY, MAJOR, HEFFLEY, PICKETT, MILLARD, ROCK,
SCAVELLO, R. BROWN, TOOHIL, MOUL, EVERETT, SIMMONS, PEIFER
AND MACKENZIE, APRIL 17, 2013

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 17, 2013

AN ACT

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

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 5 of the act of June 22, 1937 (P.L.1987,
22 No.394), known as The Clean Streams Law, amended October 10,
23 1980 (P.L.894, No.157), is amended to read:

24 Section 5. Powers and Duties.--(a) [The] Subject to the
25 provisions of subsection (b), the department, in adopting rules

1 and regulations, in establishing policy and priorities, in
2 issuing orders or permits, and in taking any other action
3 pursuant to this act, shall, in the exercise of sound judgment
4 and discretion, and for the purpose of implementing the
5 declaration of policy set forth in section 4 of this act,
6 consider, where applicable, the following:

7 (1) Water quality management and pollution control in the
8 watershed as a whole;

9 (2) The present and possible future uses of particular
10 waters;

11 (3) The feasibility of combined or joint treatment
12 facilities;

13 (4) The state of scientific and technological knowledge;

14 (5) The immediate and long-range economic impact upon the
15 Commonwealth and its citizens.

16 (b) The department shall have the power and its duty shall
17 be to:

18 (1) Formulate, adopt, promulgate and repeal such rules and
19 regulations and issue such orders as are necessary to implement
20 the provisions of this act.

21 (2) Establish policies for effective water quality control
22 and water quality management in [the] this Commonwealth [of
23 Pennsylvania] and coordinate and be responsible for the
24 development and implementation of comprehensive public water
25 supply, waste management and other water quality plans.

26 (3) Review all Commonwealth research programs pertaining to
27 public water supply, water quality control and water quality
28 management: Provided, however, That this section shall not be
29 construed to limit the authority of each department to conduct
30 research programs and operations as authorized by law.

1 (4) Report from time to time to the Legislature and to the
2 Governor on the Commonwealth's public water supply and water
3 quality control program.

4 (5) Review and take appropriate action on all permit
5 applications submitted pursuant to the provisions of this act
6 and to issue, modify, suspend, limit, renew or revoke permits
7 pursuant to this act and to the rules and regulations of the
8 department. In all cases involving surface coal mining
9 operations as they are defined in section 3 of the act of May
10 31, 1945 (P.L.1198, No.418), known as the "Surface Mining
11 Conservation and Reclamation Act," following the department's
12 decision whether to approve or deny a renewal, the burden shall
13 be on the opponent of the department's decision.

14 (6) Receive and act upon complaints.

15 (7) Issue such orders as may be necessary to implement the
16 provisions of this act or the rules and regulations of the
17 department.

18 (8) Make such inspections of public or private property as
19 are necessary to determine compliance with the provisions of
20 this act, and the rules, regulations, orders or permits issued
21 hereunder.

22 (c) The department may not, in conjunction with planning and
23 permitting under the act of January 24, 1965 (1966, P.L.1535,
24 No.537), known as the "Pennsylvania Sewage Facilities Act," for
25 individual or community on lot sewage systems require anti-
26 degradation plans or measures.

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