
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1414 Session of
2021

INTRODUCED BY ISAACSON, KRAJEWSKI, LEE, HOHENSTEIN, CIRESI,
DELLOSO, HILL-EVANS, SANCHEZ, SCHLOSSBERG AND WEBSTER,
MAY 14, 2021

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MAY 14, 2021

AN ACT

1 Amending the act of October 18, 1988 (P.L.756, No.108), entitled
2 "An act providing for the cleanup of hazardous waste sites;
3 providing further powers and duties of the Department of
4 Environmental Resources and the Environmental Quality Board;
5 providing for response and investigations for liability and
6 cost recovery; establishing the Hazardous Sites Cleanup Fund;
7 providing for certain fees and for enforcement, remedies and
8 penalties; and repealing certain provisions relating to the
9 rate of the capital stock franchise tax," in preliminary
10 provisions, further providing for definitions and providing
11 for disaster emergency declaration and for testing
12 requirement, duty to report and public access; in powers and
13 duties, further providing for powers and duties of
14 department; and, in liability and settlement procedures,
15 further providing for responsible person.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The definition of "hazardous substance" in
19 section 103 of the act of October 18, 1988 (P.L.756, No.108),
20 known as the Hazardous Sites Cleanup Act, is amended and the
21 section is amended by adding definitions to read:

22 Section 103. Definitions.

23 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Hazardous substance."

5 (1) Any element, compound or material which is:

6 (i) Designated as a hazardous waste under the act of
7 July 7, 1980 (P.L.380, No.97), known as the Solid Waste
8 Management Act, and the regulations promulgated thereto.

9 (ii) Defined or designated as a hazardous substance
10 pursuant to the Federal Superfund Act.

11 (iii) Contaminated with a hazardous substance to the
12 degree that its release or threatened release poses a
13 substantial threat to the public health and safety or the
14 environment as determined by the department.

15 (iv) Determined to be substantially harmful to
16 public health and safety or the environment based on a
17 standardized and uniformly applied department testing
18 procedure and listed in regulations proposed by the
19 department and promulgated by the Environmental Quality
20 Board.

21 (v) A polyfluoroalkyl or perfluorinated substance,
22 including, but not limited to, perfluorooctane sulfonate,
23 perfluorooctanoic acid, perfluorononanoic acid and
24 perfluorohexane sulfonic acid.

25 (1.1) A chemical substance not included under paragraph
26 (1) that:

27 (i) the department determines to be the equivalent
28 of a compound under paragraph (1) in accordance with
29 section 301(16.1); or

30 (ii) is designated by executive order of the

1 Governor as a chemical substance or chemical compound
2 that poses a threat to public health and safety or the
3 environment.

4 (2) The term does not include petroleum or petroleum
5 products, including crude oil or any fraction thereof, which
6 are not otherwise specifically listed or designated as a
7 hazardous substance under paragraph (1); natural gas, natural
8 gas liquids, liquified natural gas or synthetic gas usable
9 for fuel or mixtures of natural gas and synthetic gas usable
10 for fuel; or an element, substance, compound or mixture from
11 a coal mining operation under the jurisdiction of the
12 department or from a site eligible for funding under Title IV
13 of the Surface Mining Control and Reclamation Act of 1977
14 (Public Law 95-87, 30 U.S.C. § 1201 et seq.). The term shall
15 also not include the following wastes generated primarily
16 from the combustion of coal or other fossil fuels for the
17 production of electricity: slag waste; flue gas emission
18 control waste; and fly ash waste and bottom ash waste which
19 is disposed of or beneficially used in accordance with the
20 Solid Waste Management Act and the regulations promulgated
21 thereto or which has been disposed of under a valid permit
22 issued pursuant to any other environmental statute.

23 * * *

24 "Public water supplier." The term shall have the meaning
25 given to "supplier of water" in section 3 of the act of May 1,
26 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking
27 Water Act.

28 * * *

29 "Special drinking water resource-impacted community." A
30 municipality whose surface or groundwater resources used for

1 public drinking water supply purposes have been impaired by
2 emerging contaminants, methane or other gases or catastrophic
3 releases of pollutants to the water resources for which
4 treatment or alternative water supply development or procurement
5 is required on an emergency basis to protect public health and
6 safety.

7 * * *

8 Section 2. The act is amended by adding sections to read:

9 Section 105. Disaster emergency declaration.

10 (a) General rule.--The Governor shall have the authority in
11 accordance with 35 Pa.C.S. § 7301 (relating to general authority
12 of Governor) to declare a municipality a special drinking water
13 resource-impacted community based on the finding of one or more
14 of the following:

15 (1) The discovery of a release or threatened release of
16 hazardous substances.

17 (2) Polyfluoroalkyl or perfluorinated substances,
18 including, but not limited to, perfluorooctane sulfonate,
19 perfluorooctanoic acid, perfluorononanoic acid and
20 perfluorohexane sulfonic acid, if one of them is present in
21 groundwater or surface water individually measured across a
22 12-month simple rolling average above 10 parts per trillion.

23 (3) Other pollutants in the municipality's public water
24 supply system.

25 (b) Special drinking water resource-impacted communities.--
26 The Governor may establish alternative or incident-specific
27 drinking water standards and cleanup standards for impaired
28 surface or groundwater resources in a special drinking water
29 resource-impacted community. Standards established under this
30 section shall take effect immediately upon establishment by the

1 Governor and remain in effect:

2 (1) for 24 months;

3 (2) until the Governor has rescinded or amended the
4 standard;

5 (3) the emergency condition and public health threat has
6 been abated; or

7 (4) with respect to drinking water resources, either a
8 final rulemaking is published by the Environmental Quality
9 Board establishing a maximum contaminant level for the
10 substance under the act of May 1, 1984 (P.L.206, No.43),
11 known as the Pennsylvania Safe Drinking Water Act, or a final
12 rulemaking is published by the Environmental Protection
13 Agency establishing a maximum contaminant level.

14 (c) Grants.--A special drinking water resource-impacted
15 community shall be eligible to receive a PENNVEST grant under
16 the act of March 1, 1988 (P.L.82, No.16), known as the
17 Pennsylvania Infrastructure Investment Authority Act, of up to
18 \$1,000,000 per impacted water supply source. The grants may be
19 used to provide treatment to impacted public water supplies,
20 extension of water lines, booster stations, pressure management
21 equipment, interconnection of private water users to public
22 water supply systems and analytical sampling and to procure
23 alternative water supply resources.

24 Section 106. Testing requirement, duty to report and public
25 access.

26 (a) Testing.--Notwithstanding any provision of law to the
27 contrary, a municipality has the authority, by ordinance, to
28 require a public water supplier to test for polyfluoroalkyl or
29 perfluorinated substances within the municipal water supply.

30 (b) Duty to report.--A public water supplier that meets

1 either of the following criteria shall report to the department
2 both monthly averages and 12-month simple rolling averages of
3 each polyfluoroalkyl or perfluorinated substance found within
4 their water supply:

5 (1) The public water supplier serves a municipality that
6 has been declared a special drinking water resource-impacted
7 community under section 105.

8 (2) The public water supplier is required by municipal
9 ordinance to test for polyfluoroalkyl or perfluorinated
10 substances within the municipal water supply.

11 (c) Public information.--The department shall make the
12 information reported under subsection (b) available to the
13 public and post the information on the department's publicly
14 accessible Internet website.

15 Section 3. Sections 301 and 701(b) of the act are amended by
16 adding paragraphs to read:

17 Section 301. Powers and duties of department.

18 The department has the following powers and duties:

19 * * *

20 (16.1) Within 12 months of the establishment of a
21 maximum contaminant level, health advisory level or
22 provisional health advisory level under the act of May 1,
23 1984 (P.L.206, No.43), known as the Pennsylvania Safe
24 Drinking Water Act, or a similar Federal law for any chemical
25 substance or chemical compound not included in the definition
26 of "hazardous substance," determine whether the chemical
27 compound or chemical substance should be designated by
28 regulation as a hazardous substance.

29 * * *

30 Section 701. Responsible person.

1 * * *

2 (b) Exceptions.--

3 * * *

4 (6) No municipality, municipal authority or other public
5 water supplier shall be considered a responsible person under
6 this act due to the presence of a polyfluoroalkyl substance
7 or perfluorinated chemical in wastewater treatment plant
8 sludge, water supply treatment residuals, spent filter media
9 or similar facility operational, wastes where the presence of
10 the polyfluoroalkyl substance or perfluorinated chemical is
11 due to chemical characteristics of the entity's water supply
12 source or discharges into the wastewater treatment facility.

13 * * *

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