

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1842 Session of 2021

INTRODUCED BY ZIMMERMAN, BROOKS, HAMM, MILLARD, WEBSTER, RADER, QUINN, GAYDOS AND KEEFER, SEPTEMBER 9, 2021

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 4, 2021

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 AMENDING THE ACT OF JUNE 22, 1937 (P.L.1987, NO.394), ENTITLED <--  
22 "AN ACT TO PRESERVE AND IMPROVE THE PURITY OF THE WATERS OF  
23 THE COMMONWEALTH FOR THE PROTECTION OF PUBLIC HEALTH, ANIMAL  
24 AND AQUATIC LIFE, AND FOR INDUSTRIAL CONSUMPTION, AND  
25 RECREATION; EMPOWERING AND DIRECTING THE CREATION OF  
26 INDEBTEDNESS OR THE ISSUING OF NON-DEBT REVENUE BONDS BY  
27 POLITICAL SUBDIVISIONS TO PROVIDE WORKS TO ABATE POLLUTION;  
28 PROVIDING PROTECTION OF WATER SUPPLY AND WATER QUALITY;  
29 PROVIDING FOR THE JURISDICTION OF COURTS IN THE ENFORCEMENT  
30 THEREOF; PROVIDING ADDITIONAL REMEDIES FOR ABATING POLLUTION  
31 OF WATERS; IMPOSING CERTAIN PENALTIES; REPEALING CERTAIN  
32 ACTS; REGULATING DISCHARGES OF SEWAGE AND INDUSTRIAL WASTES;  
33 REGULATING THE OPERATION OF MINES AND REGULATING THE IMPACT

1 OF MINING UPON WATER QUALITY, SUPPLY AND QUANTITY; PLACING  
2 RESPONSIBILITIES UPON LANDOWNERS AND LAND OCCUPIERS AND TO  
3 MAINTAIN PRIMARY JURISDICTION OVER SURFACE COAL MINING IN  
4 PENNSYLVANIA," IN OTHER POLLUTIONS AND POTENTIAL POLLUTION,  
5 PROVIDING FOR NOTICE OF DISCHARGE ENDANGERING PUBLIC HEALTH  
6 OR ENVIRONMENT.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 ~~Section 1. The definition of "pollution" in section 1 of the <--~~  
10 ~~act of June 22, 1937 (P.L.1987, No.394), known as The Clean~~  
11 ~~Streams Law, is amended to read:~~

12 ~~Section 1. Definitions. Be it enacted, &c., That the~~  
13 ~~following words or phrases, unless the context clearly indicates~~  
14 ~~otherwise, shall have the meanings ascribed to them in this~~  
15 ~~section.~~

16 \* \* \*

17 ~~"Pollution" shall be construed to mean contamination of any~~  
18 ~~waters of the Commonwealth such as will create or is likely to~~  
19 ~~create a nuisance or to render such waters harmful, detrimental~~  
20 ~~or injurious to public health, safety or welfare, or to~~  
21 ~~domestic, municipal, commercial, industrial, agricultural,~~  
22 ~~recreational, or other legitimate beneficial uses, or to~~  
23 ~~livestock, wild animals, birds, fish or other aquatic life,~~  
24 ~~including but not limited to such contamination by alteration of~~  
25 ~~the physical, chemical or biological properties of such waters,~~  
26 ~~or change in temperature, taste, color or odor thereof, or the~~  
27 ~~discharge of any liquid, gaseous, radioactive, solid or other~~  
28 ~~substances into such waters. The department shall determine when~~  
29 ~~a discharge constitutes pollution, as herein defined, and shall~~  
30 ~~establish standards whereby and wherefrom it can be ascertained~~  
31 ~~and determined whether any such discharge does or does not~~  
32 ~~constitute pollution as herein defined. An accidental discharge,~~  
33 ~~spill or release that does not cause a violation of any of the~~

1 ~~numeric water quality criteria under 25 Pa. Code (relating to~~  
2 ~~environmental protection) for the receiving water does not~~  
3 ~~constitute pollution.~~

4 \* \* \*

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

6 ~~Section 404. Notice of Discharge Endangering Health or the~~

7 ~~Environment. A person who discharges, spills or releases a~~

8 ~~substance to the waters of this Commonwealth, or to a location~~

9 ~~from which it is likely to enter the waters of this~~

10 ~~Commonwealth, taking into account any control and remedial~~

11 ~~measures, must notify the department if the discharge, spill or~~

12 ~~release is not authorized by a permit from the department and:~~

13 ~~(1) causes or will cause a violation of water quality~~

14 ~~criteria under 25 Pa. Code (relating to environmental~~

15 ~~protection) for the receiving waters; or~~

16 ~~(2) exceeds reportable quantities established under section~~

17 ~~301 of the Federal Water Pollution Control Act (62 Stat. 1155,~~

18 ~~33 U.S.C. § 1311).~~

19 Section 3. ~~The Environmental Quality Board shall promulgate~~

20 ~~regulations to carry out the provisions of this act and, within~~

21 ~~90 days of the effective date of this section, the Environmental~~

22 ~~Quality Board shall promulgate proposed regulations.~~

23 Section 4. ~~This act shall take effect in 60 days.~~

24 SECTION 1. THE ACT OF JUNE 22, 1937 (P.L.1987, NO.394), <--

25 KNOWN AS THE CLEAN STREAMS LAW, IS AMENDED BY ADDING A SECTION

26 TO READ:

27 SECTION 404. NOTICE OF DISCHARGE ENDANGERING PUBLIC HEALTH

28 OR ENVIRONMENT.-- (A) A PERSON WHO SPILLS, DISCHARGES OR

29 RELEASES A SUBSTANCE INTO THE WATERS OF THIS COMMONWEALTH, OR ON

30 A LOCATION FROM WHICH THE SUBSTANCE IS LIKELY TO ENTER THE

1 WATERS OF THIS COMMONWEALTH, TAKING INTO ACCOUNT ANY CONTROL AND  
2 REMEDIAL MEASURES, SHALL NOTIFY THE DEPARTMENT IF THE SPILL,  
3 DISCHARGE OR RELEASE IS NOT AUTHORIZED BY A PERMIT FROM THE  
4 DEPARTMENT AND IS LIKELY TO RENDER THE RECEIVING WATERS HARMFUL  
5 TO PUBLIC HEALTH OR THE ENVIRONMENT AS DETERMINED BY REPORTABLE  
6 QUANTITIES OR OTHER READILY ASCERTAINABLE STANDARDS ADOPTED BY  
7 REGULATION UNDER SUBSECTION (C).

8 (B) NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE  
9 EFFECTIVE DATE OF THIS SECTION, THE ENVIRONMENTAL QUALITY BOARD  
10 SHALL PUBLISH FOR PUBLIC COMMENT PROPOSED REGULATIONS  
11 ESTABLISHING REPORTABLE QUANTITIES OR OTHER READILY  
12 ASCERTAINABLE STANDARDS BY WHICH A PERSON UNDER SUBSECTION (A)  
13 MAY DETERMINE WHETHER A SPILL, DISCHARGE OR RELEASE IS LIKELY TO  
14 RENDER THE RECEIVING WATERS HARMFUL TO PUBLIC HEALTH OR THE  
15 ENVIRONMENT.

16 (C) NO LATER THAN THREE HUNDRED SIXTY-FIVE DAYS AFTER THE  
17 EFFECTIVE DATE OF THIS SECTION, THE ENVIRONMENTAL QUALITY BOARD  
18 SHALL PROMULGATE FINAL REGULATIONS ESTABLISHING REPORTABLE  
19 QUANTITIES OR OTHER READILY ASCERTAINABLE STANDARDS BY WHICH A  
20 PERSON UNDER SUBSECTION (A) MAY DETERMINE WHETHER A SPILL,  
21 DISCHARGE OR RELEASE IS LIKELY TO RENDER THE RECEIVING WATERS  
22 HARMFUL TO PUBLIC HEALTH OR THE ENVIRONMENT.

23 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.