

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 707 Session of 2019

INTRODUCED BY ZIMMERMAN, HICKERNELL, MILLARD, B. MILLER, ROAE, RYAN, SCHEMEL AND KEEFER, MARCH 5, 2019

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 30, 2020

AN ACT

1 Amending the act of May 1, 1984 (P.L.206, No.43), entitled "An
2 act providing for safe drinking water; imposing powers and
3 duties on the Department of Environmental Resources in
4 relation thereto; and appropriating certain funds," further
5 providing for definitions AND FOR VARIANCES AND EXEMPTIONS. <--

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

8 Section 1. The definition of "public water system" in
9 section 3 of the act of May 1, 1984 (P.L.206, No.43), known as
10 the Pennsylvania Safe Drinking Water Act, is amended to read:

11 Section 3. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Public water system." A system for the provision to the
17 public of water for human consumption which has at least 15
18 service connections or regularly serves an average of at least

1 25 individuals daily at least 60 days out of the year. The
2 following apply:

3 (1) The term includes:

4 [(1)] (i) Any collection, treatment, storage and
5 distribution facilities under control of the operator of
6 such system and used in connection with such system.

7 [(2)] (ii) Any collection or pretreatment storage
8 facilities not under such control which are used in
9 connection with such a system.

10 [(3)] (iii) A system which provides water for
11 bottling or bulk hauling for human consumption.

12 (2) The term does not include a facility that both is
13 owned by a church, association of churches or other religious
14 order, body or institution which qualifies for exemption from
15 taxation under section 501(c)(3) or (d) of the Internal
16 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501) and
17 relies upon a privately owned water well for its drinking
18 water supply.

19 * * *

20 SECTION 2. SECTION 6(B) AND (C) OF THE ACT ARE AMENDED TO <--
21 READ:

22 SECTION 6. VARIANCES AND EXEMPTIONS.

23 * * *

24 (B) VARIANCES FROM TREATMENT TECHNIQUE REQUIREMENTS.--THE
25 DEPARTMENT [MAY] SHALL AUTHORIZE VARIANCES FROM A TREATMENT
26 TECHNIQUE REQUIRED UNDER THE DRINKING WATER STANDARDS IF THE
27 PUBLIC WATER SYSTEM APPLYING FOR THE VARIANCE DEMONSTRATES TO
28 THE SATISFACTION OF THE DEPARTMENT THAT THE DRINKING WATER
29 QUALITY IS IN ACCORDANCE WITH THE CURRENT SURFACE WATER
30 TREATMENT RULES ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL

1 PROTECTION AGENCY OR THE TREATMENT TECHNIQUE IS NOT NECESSARY TO
2 PROTECT THE HEALTH OF PERSONS BECAUSE OF THE NATURE OF THE RAW
3 WATER SOURCES OF THE SYSTEM.

4 (C) DEPARTMENT MAY AUTHORIZE EXEMPTIONS.--THE DEPARTMENT MAY
5 EXEMPT ANY PUBLIC WATER SYSTEM FROM ANY REQUIREMENT OF AN
6 APPLICABLE DRINKING WATER STANDARD UPON FINDING THAT:

7 (1) DUE TO COMPELLING FACTORS, THE PUBLIC WATER SYSTEM
8 IS UNABLE TO COMPLY WITH SUCH REQUIREMENTS;

9 (2) THE PUBLIC WATER SYSTEM WAS IN OPERATION ON THE
10 EFFECTIVE DATE OF SUCH REQUIREMENT OR, FOR A SYSTEM THAT WAS
11 NOT IN OPERATION BY THAT DATE, ONLY IF NO REASONABLE
12 ALTERNATIVE SOURCE OF DRINKING WATER IS AVAILABLE TO SUCH A
13 NEW SYSTEM; AND

14 (3) THE GRANTING OF THE EXEMPTION WILL NOT RESULT IN AN
15 UNREASONABLE RISK TO HEALTH AS ASSESSED THROUGH THE
16 RECOGNITION OF NO RECORDED ILLNESSES DERIVED FROM MICROBIAL
17 CONTAMINANTS PRESENT IN THE PUBLIC WATER SYSTEM AND NO
18 EVIDENCE OF MICROBIAL CONTAMINANTS IN THE PUBLIC WATER
19 SYSTEM.

20 ALL EXEMPTIONS GRANTED WITH RESPECT TO A CONTAMINANT LEVEL OR
21 TREATMENT TECHNIQUE PRESCRIBED BY THE FEDERAL REGULATION SHALL
22 EXPIRE NO LATER THAN THE DATES PRESCRIBED IN THE FEDERAL ACT.

23 * * *

24 Section 2 3. This act shall take effect in 60 days.

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