

That this limitation (5) shall apply only to school districts of the second, third and fourth classes; (6) to levy, assess or collect a tax on personal property subject to taxation by counties or on personal property owned by persons, associations and corporations specifically exempted by law from taxation under the county personal property tax law: Provided, That this limitation (6) shall not apply to cities of the second class; (7) to levy, assess or collect a tax on membership in or membership dues, fees or assessments of charitable, religious, beneficial or non-profit organizations including but not limited to sportsmen's, recreational, golf and tennis clubs, girl and boy scout troops and councils; (8) to levy, assess or collect any tax on a mobilehome or house trailer subject to a real property tax unless the same tax is levied, assessed and collected on other real property in the political subdivision; (9) to levy, assess, or collect a tax on admissions to motion picture theaters: Provided, That this limitation (9) shall not apply to cities of the second class.

\* \* \*

Section 2. Clause (f), subsection E of section 1 of the act, amended June 28, 1955 (P. L. 197), is amended to read:

Section 1. \* \* \*

E. Limitations on Rates of Specific Taxes.—No taxes levied under the provisions of this act shall be levied by any political subdivision on the following subjects exceeding the rates specified in this subsection:

\* \* \*

(f) On admissions to places of amusement, athletic events and the like, and on motion picture theaters in cities of the second class, 10%.

\* \* \*

Section 3. This act shall take effect January 1, 1966.

APPROVED—The 20th day of August, A. D. 1965.

WILLIAM W. SCRANTON

No. 194

AN ACT

HB 585

Amending the act of June 22, 1937 (P. L. 1987) entitled, as amended, "An act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption, and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate

pollution; providing protection of water supply; providing for the jurisdiction of courts in the enforcement thereof; requiring the approval of the Attorney General for prosecutions thereunder; providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts; authorizing the acquisition by purchase or condemnation, or otherwise, of easements and right of ways, the acquisition or construction of pipes, conduits, drains or tunnels by the Sanitary Water Board; and providing for payment of the costs thereof by the Commonwealth; authorizing the Sanitary Water Board to establish standards of purity and to determine the time for compliance with certain provisions of the act in certain cases and making it unlawful to open, reopen or continue operation of any coal mine, or to change any approved drainage or disposal plan without prior approval by the Sanitary Water Board"; setting forth findings and declarations of policy; redefining industrial waste to include mine drainage; extending and increasing penalties for the discharge of any industrial waste into waters of the Commonwealth; removing certain powers of the Sanitary Water Board; requiring permits for the operation of coal mines and providing for the suspension or revocation of such permits; placing responsibilities upon landowners and land occupiers; providing penalties, and providing a short title.

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

Section 1. The title, and the definition of "industrial waste" in section 1, act of June 22, 1937 (P. L. 1987) entitled as amended, "An act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption, and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts in the enforcement thereof; requiring the approval of the Attorney General for prosecutions thereunder; providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts; authorizing the acquisition by purchase or condemnation, or otherwise, of easements and right of ways; the acquisition or construction of pipes, conduits, drains or tunnels by the Sanitary Water Board; and providing for payment of the costs thereof by the Commonwealth; authorizing the Sanitary Water Board to establish standards of purity and to determine the time for compliance with certain provisions of the act in certain cases and making it unlawful to open, reopen or continue operation of any coal mine, or to change any approved drainage or disposal plan without prior approval by the Sanitary Water Board," amended May 8, 1945 (P. L. 435), are amended to read:

#### An Act

To preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption, and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing

protection of water supply; providing for the jurisdiction of courts in the enforcement thereof; requiring the approval of the Attorney General for prosecutions thereunder; providing additional remedies for abating pollution of waters; imposing certain penalties; [and] repealing certain acts; [authorizing the acquisition by purchase or condemnation, or otherwise, of easements and right of ways; the acquisition or construction of pipes, conduits, drains or tunnels by the Sanitary Water Board; and providing for payment of the costs thereof by the Commonwealth; authorizing the Sanitary Water Board to establish standards of purity and to determine the time for compliance with certain provisions of the act in certain cases and making it unlawful to open, reopen or continue operation of any coal mine, or to change any approved drainage or disposal plan without prior approval by the Sanitary Water Board] requiring permits for the operation of coal mines, and placing responsibilities upon landowners and land occupiers.

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

\* \* \*

“Industrial waste” shall be construed to mean any liquid, gaseous or solid substance; not sewage, resulting from any manufacturing or industry, or from any establishment, as herein defined, [which causes pollution, as hereinafter defined,] and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations.

\* \* \*

Section 2. The act is amended by adding after section 3, a new section to read:

Section 4. Findings and Declarations of Policy.—It is hereby determined by the General Assembly of Pennsylvania and declared as a matter of legislative findings that:

(1) The Clean Streams Law as presently written has failed to prevent an increase in the miles of polluted water in Pennsylvania.

(2) The present Clean Streams Law contains special provisions for mine drainage that discriminate against the public interest.

(3) Mine drainage is the major cause of stream pollution in Penn-

sylvania and is doing immense damage to the waters of the Commonwealth.

(4) Pennsylvania, having more miles of water polluted by mine drainage than any state in the nation, has an intolerable situation which seriously jeopardizes the economic future of the Commonwealth.

(5) Clean, unpolluted streams are absolutely essential if Pennsylvania is to attract new manufacturing industries and to develop Pennsylvania's full share of the tourist industry, and

(6) Clean, unpolluted water is absolutely essential if Pennsylvanians are to have adequate out of door recreational facilities in the decades ahead.

The General Assembly<sup>1</sup> of Pennsylvania therefore declares it to be the policy of the Commonwealth of Pennsylvania that:

(1) It is the objective of the Clean Streams Law not only to prevent further pollution of the waters of the Commonwealth, but also to reclaim and restore to a clean, unpolluted condition every stream in Pennsylvania that is presently polluted, and

(2) The prevention and elimination of water pollution is recognized as being directly related to the economic future of the Commonwealth.

Section 3. Section 309 of the act, amended May 8, 1945 (P. L. 435), is amended to read:

Section 309. Penalties.—Any person who shall discharge any industrial waste [or acid mine drainage] into any of the waters of the Commonwealth contrary to the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof in the court of quarter sessions of any county in which industrial wastes were discharged or introduced into the waters of the Commonwealth, or in which such industrial wastes continue to pollute such waters, shall be sentenced to pay a fine of not less than one hundred dollars nor more than five thousand dollars, and the person, or if such person be an association or copartnership, then the members thereof, or if such person be a corporation, then the officers, agents, servants and employes thereof, may be imprisoned in the county jail for a period of not more than one year. All prosecutions under the penal provisions herein set forth, shall be instituted and

<sup>1</sup> "of" not in original.

prosecuted by the Attorney General, or by and with his written consent. Each day of continued discharge of any industrial waste into any of the waters of the Commonwealth contrary to the provisions of this act shall constitute a separate offense.

Section 4. Sections 310, 311, 312 and 313 of the act are repealed.

Section 5. The act is amended by adding, after section 314, three new sections to read:

Section 315. Permits for Operation of Coal Mines.—(a) Before any coal mine is opened, reopened, or continued in operation, an application for a permit approving the proposed drainage and disposal of industrial wastes shall be submitted to the Sanitary Water Board. The application shall contain complete drainage plans including any restoration measures that will be taken after operations have ceased and such other information as the board by regulation shall require.

(b) It shall be unlawful to open, reopen, or continue in operation any coal mine, or to change or alter any approved plan of drainage and disposal of industrial wastes, unless and until the board, after consultation with the Department of Mines and Mineral Industries, has issued a permit approving the plan or change of plan. A permit shall not be issued if the board shall be of the opinion that the discharge from the mine would be or become inimical or injurious to the public health, animal or aquatic life, or to the use of the water for domestic or industrial consumption or recreation. In issuing a permit the board may impose such conditions as are necessary to protect the waters of the Commonwealth. The permittee shall comply with such permit conditions and with the rules and regulations of the board.

(c) The board may modify, suspend or revoke any permit issued pursuant to this section. Such action may be taken if the board finds that a discharge from the mine is causing or is likely to cause pollution to waters of the Commonwealth or if it finds that the operator is in violation of any provision of this act or any rule or regulation of the Sanitary Water Board. An order of the board modifying, revoking or suspending

a permit shall take effect upon notice from the board, unless the order specifies otherwise. Any party aggrieved by such order shall be given the opportunity to appear before the board at a hearing at which the board shall reconsider its order and issue an adjudication, from which the aggrieved party may appeal in the manner provided by the "Administrative Agency Law," act of June 4, 1945 (P. L. 1388), as amended. The right of the board to suspend or revoke a permit is in addition to any penalty which may be imposed pursuant to this act.

(d) Any permit approving the drainage and disposal of industrial wastes from a coal mine and issued by the board prior to the effective date of this act shall be deemed to be a permit issued pursuant to this section. The permit shall be valid for one year from the effective date of this act or for such additional period as the board might allow. Nothing herein shall limit the board's power to modify, suspend, or revoke any such permit under the provisions of subsection (c) of this section.

Section 316. Responsibilities of Landowners and Land Occupiers to allow access.

Whenever the Sanitary Water Board finds that pollution of waters of the Commonwealth is resulting from a condition which exists on land in the Commonwealth and that the owner or occupier of such land has refused to allow a mine operator or other person or an appropriate agency of the Commonwealth access to the land to take whatever measures are necessary to eliminate the pollution, the board may order the landowner or occupier to allow such access.

Section 317. Penalties.—Any person who violates any provision of sections 315 or 316 of this act, or any rule or regulation or order of the Sanitary Water Board issued pursuant to such sections, is guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than one hundred dollars nor more than five thousand dollars for each offense, and a further fine of fifty dollars for each day the offense is

continued, or to imprisonment in the county jail for a period of not more than one year, or both. In the case of a partnership or association, the members thereof, and in the case of a corporation, the officers, agents, servants or employes thereof, may be subject to any sentence of imprisonment imposed under this section.

Section 6. The act is amended by adding, after Article VIII, a new article to read:

ARTICLE IX

SHORT TITLE

Section 901. Short Title.—This act shall be known and may be cited as “The Clean Streams Law.”

Section 7. The act is amended by adding, after Article IX, a new article to read:

ARTICLE X

SEVERABILITY CLAUSE

Section 1001. Severability Clause.—The provisions of this act shall be severable. If any provision of this act is found by a court of record to be unconstitutional and void, the remaining provisions of the act shall, nevertheless, remain valid unless the court finds the valid provisions of the act are so essentially and inseparably connected with, and so depend upon, the void provision, that it cannot be presumed the legislature would have enacted the remaining valid provisions without the void ones; or unless the court finds the remaining valid provisions standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 8. This act shall take effect January 1, 1966.

APPROVED—The 23d day of August, A. D. 1965.

WILLIAM W. SCRANTON

No. 195

AN ACT <sup>o</sup>.

SB 738

Amending the act of April 13, 1887 (P. L. 21), entitled “An act for the establishment of a uniform standard of time throughout the Commonwealth,” providing that the