

No. 1989-40

AN ACT

HB 439

Amending the act of June 22, 1937 (P.L.1987, No.394), 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 and water quality; providing for the jurisdiction of courts in the enforcement thereof; providing additional remedies for abating pollution of waters; imposing certain penalties; repealing certain acts; regulating discharges of sewage and industrial wastes; regulating the operation of mines and regulating the impact of mining upon water quality, supply and quantity; placing responsibilities upon landowners and land occupiers and to maintain primary jurisdiction over surface coal mining in Pennsylvania," providing that permits shall not be required for certain sewer extensions.

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

Section 1. Section 1 of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, is amended by adding a definition to read:

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.

* * *

"Sewer extension" shall be construed to include new pipelines or conduits and all other appurtenant constructions, devices and facilities except pumping stations and force mains added to an existing sewer system for the purpose of conveying sewage from individual structures or properties to the existing system.

* * *

Section 2. Section 207 of the act, amended October 10, 1980 (P.L.894, No.157), is amended to read:

Section 207. Approval of Plans, Designs, and Relevant Data by the Department.—(a) All plans, designs, and relevant data for the construction of any new sewer system, or for the extension of any existing sewer system, ***except as provided in section (b)***, by a ***person or municipality***, or for the erection, construction, and location of any treatment works or intercepting sewers by a person or municipality, shall be submitted to the department for its approval before the same are constructed or erected or acquired. Any such construction or erection which has not been approved by the department by written permit, or any treatment works not operated or maintained in accordance with the rules and regulations of the department, is hereby also declared to be a nuisance and abatable as herein provided.

(b) Except as specifically provided by the rules and regulations of the department, plans, designs and relevant data for the construction of a sewer extension to collect no more than the volume of sewage from two hundred fifty single-family dwelling units or their equivalent by a person or municipality shall not require a permit from the department if such sewer extension is located, constructed, connected and maintained in accordance with the rules and regulations of the department and is consistent with the approved official plan, required by section 5 of the act of January 24, 1966 (1965 P.L.1535, No.537), known as the "Pennsylvania Sewage Facilities Act," for the municipality in which the sewer extension is to be located, constructed, connected or maintained. However, all such sewer extensions remain subject to any conditions imposed by the department, the municipality or any municipal authority whose interest may be affected by the sewer extension. Any such sewer extension which is located, constructed, connected or maintained contrary to the rules and regulations of the department, contrary to the terms and conditions of a permit, inconsistent with the approved official plan for the municipality or contrary to any conditions imposed by the department, municipality or municipal authority is also hereby declared to be a nuisance and abatable as provided herein.

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

APPROVED—The 7th day of July, A. D. 1989.

ROBERT P. CASEY