

CLEAN STREAMS LAW - PENALTIES; LIMITATION ON CERTAIN ACTIONS**Act of Oct. 27, 2006, P.L. 1184, No. 123****Cl. 32**

Session of 2006

No. 2006-123

HB 20426

AN ACT

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," further providing for penalties; and providing for limitation on certain actions.

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

Section 1. Section 602(b) and (c) of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, amended October 10, 1980 (P.L.894, No.157), are amended and the section is amended by adding subsections to read:

Section 602. Penalties.--* * *

(b) Any person or municipality who [wilfully or] negligently violates any provision of this act, any rule or regulation of the department, any order of the department, or any condition of any permit issued pursuant to the act is guilty of a misdemeanor of the [third] **second** degree and, upon conviction, shall be subject to a fine of not less than two thousand five hundred dollars (\$2,500) nor more than twenty-five thousand dollars (\$25,000) for each separate offense or to imprisonment [in the county jail] for a period of not more than [one year] **two years**, or both.

(b.1) Any person or municipality who intentionally or knowingly violates any provision of this act, any rule or regulation of the department, any order of the department, or any condition of any permit issued pursuant to the act is guilty of a felony of the third degree and, upon conviction, shall be subject to a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000) for each separate offense or to imprisonment for a period of not more than seven years, or both.

(c) Any person or municipality who, after a conviction of a misdemeanor for any violation within two years as above provided, [wilfully or] negligently violates any provision of this act, any rule or regulation of the department, any order of the department, or any condition of any permit issued pursuant to this act is guilty of a misdemeanor of the [second] **first** degree and, upon conviction, shall be subject to a fine of not less than [two thousand five hundred dollars (\$2,500)] **five thousand dollars (\$5,000)** nor more than fifty thousand dollars (\$50,000) for each separate offense or to imprisonment for a period of not more than [two] **five** years, or both.

* * *

(f) With respect to the offenses specified in this section, it is the legislative purpose to impose liability on corporations as

set forth in 18 Pa.C.S. § 307 (relating to liability of organizations and certain related persons).

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

Section 613. Limitation on Actions.--The provisions of any other statute to the contrary notwithstanding, actions for criminal penalties under this act may be commenced at any time within a period of five years from the date the offense is discovered.

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

APPROVED--The 27th day of October, A. D. 2006.

EDWARD G. RENDELL