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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2567 Session of  
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INTRODUCED BY WEBSTER, HOHENSTEIN, HERRIN, HILL-EVANS, GUENST,  
SANCHEZ, DELLOSO, SCHLOSSBERG, KINSEY AND SHUSTERMAN,  
MAY 3, 2022

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MAY 3, 2022

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AN ACT

1 Updating and expanding the storm water planning requirements to  
2 be undertaken by counties; authorizing counties to regulate  
3 storm water within a watershed-based planning area;  
4 authorizing the formation of water resources management  
5 authorities; enabling counties, municipalities and water  
6 resources management authorities to develop integrated water  
7 resources management plans; imposing duties and conferring  
8 powers on the Department of Environmental Protection, the  
9 Environmental Quality Board, counties, municipalities and  
10 water resources management authorities; providing for  
11 financing and for waiver of use for certain grant or loan  
12 funds; and making related repeals.

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

16 CHAPTER 1

17 GENERAL PROVISIONS

18 Section 101. Short title.

19 This act shall be known and may be cited as the Integrated  
20 Water Resources Restoration, Protection and Management Act.

21 Section 102. Legislative findings.

22 The General Assembly finds that:

23 (1) Inadequate management of storm water runoff and the  
24 insufficient planning, coordination and integration of  
25 regulatory programs associated with water resources  
26 management activities causes increased flood flows and  
27 velocities, contributes to accelerated erosion and  
28 sedimentation, overtaxes the carrying capacity of streams and  
29 storm sewers, greatly increases the cost of public facilities  
30 to carry and control storm water and wastewater, undermines

1 flood plain management and flood control efforts in  
2 downstream communities, reduces groundwater recharge,  
3 diminishes the quality and quantity of water supplies and  
4 threatens the environment, public health, safety and  
5 property.

6 (2) The act of October 4, 1978 (P.L.864, No.167), known  
7 as the Storm Water Management Act, is not sufficiently  
8 comprehensive to address the needs of this Commonwealth.  
9 While the act provides a basis for storm water management  
10 planning by counties on a watershed basis, additional  
11 provisions are needed in addition to the Storm Water  
12 Management Act requirements to provide integrated and  
13 thorough planning and management of water resources in  
14 watershed-based planning areas and to address current and  
15 past water resources management problems, as well as  
16 prospective and ongoing development.

17 (3) A comprehensive, integrated approach to water  
18 resources management, building on the protections established  
19 under the act of June 22, 1937 (P.L.1987, No.394), known as  
20 The Clean Streams Law, including reasonable regulation of  
21 development and activities causing adverse impacts to waters  
22 of this Commonwealth, is fundamental to public health, safety  
23 and welfare and protection of the citizens of this  
24 Commonwealth, their resources and the environment.

25 (4) Adequate management of this Commonwealth's water  
26 resources requires additional legal mechanisms for  
27 coordination and integration of water resources management  
28 planning among State agencies and county and municipal  
29 governments.

30 (5) Dedicated funding is needed to develop and implement

1 integrated water resources management plans to protect,  
2 maintain, reclaim and restore this Commonwealth's water  
3 resources and the environment and to protect public health,  
4 safety and property.

5 Section 103. Purpose.

6 The purpose of this act is to:

7 (1) Provide for more comprehensive storm water planning  
8 and management, building on the framework found in the act of  
9 October 4, 1978 (P.L.864, No.167), known as the Storm Water  
10 Management Act, and implementing the act of June 22, 1937  
11 (P.L.1987, No.394), known as The Clean Streams Law, to  
12 authorize planning for and remediation of storm-water-  
13 associated problems and integrating related water resources  
14 management programs.

15 (2) Restore, reclaim, protect and maintain the water  
16 quality, quantity and natural hydrologic regime; regulate  
17 and, where appropriate, restrict development in the floodways  
18 and floodplains of this Commonwealth's rivers and streams;  
19 preserve the carrying capacity of watercourses; and protect,  
20 maintain, reclaim and restore surface waters and groundwaters  
21 of this Commonwealth.

22 (3) Protect the natural resources, environmental rights  
23 and values secured by the Constitution of Pennsylvania.

24 (4) Authorize counties to undertake and enforce  
25 comprehensive, ecologically sustainable and consistent water  
26 resources management planning; consolidate and coordinate  
27 governmental resources; and establish a dedicated, stable and  
28 tailored funding source. If a county does not elect to  
29 undertake such integrated water resources planning or  
30 management, municipalities or water resources management

1 authorities are authorized to undertake these activities.

2 (5) Encourage the regional implementation of integrated  
3 water resources management plans within watershed-based  
4 planning areas to preserve and protect watershed-based  
5 planning areas from the adverse effects of fragmented  
6 planning related to water resources protection, water  
7 infrastructure, wet weather and wastewater management, storm  
8 water runoff and subsurface drainage.

9 (6) Authorize the creation of water resources management  
10 authorities to enable counties and municipalities to  
11 regulate, manage, operate and maintain activities, facilities  
12 and development that may affect storm water runoff or water  
13 resources within watershed-based planning areas; regulate,  
14 implement and manage comprehensive storm water management  
15 plans or integrated water resources management plans within  
16 watershed-based planning areas; and undertake the planning  
17 related thereto under this act when appropriate.

18 (7) Encourage water resources management authorities to  
19 utilize a comprehensive integrated water resources approach  
20 for water resources protection, maintenance and improvement,  
21 including quantity and quality, and other environmental  
22 benefits.

23 (8) Authorize dedicated funding to develop and implement  
24 updated, expanded and comprehensive storm water planning and  
25 management, as well as to develop and implement integrated  
26 water resources management plans to protect, maintain,  
27 reclaim and restore this Commonwealth's water resources and  
28 to protect public health, safety, property and the  
29 environment.

30 Section 104. Definitions.

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

4 "Allowable costs." Reasonable expenses associated with  
5 preparation, administration, implementation, revision and  
6 enforcement of department-approved comprehensive storm water  
7 management plans, integrated water resources management plans  
8 and ordinances adopted pursuant to such plans, and including  
9 storm water or integrated water resource management best  
10 management practices operation and maintenance.

11 "Best management practices." Activities, facilities,  
12 measures or procedures used to protect, maintain, reclaim and  
13 restore the quantity and quality of waters and uses within this  
14 Commonwealth.

15 "Clean Streams Law." The act of June 22, 1937 (P.L.1987,  
16 No.394), known as The Clean Streams Law.

17 "Comprehensive storm water management plan." A storm water  
18 management plan developed in accordance with the act of October  
19 4, 1978 (P.L.864, No.167), known as the Storm Water Management  
20 Act, and the requirements of Chapter 3.

21 "Critical water planning area." An area identified under 27  
22 Pa.C.S. § 3112(a)(6) or (d)(1) (relating to plan contents).

23 "Department." The Department of Environmental Protection of  
24 the Commonwealth.

25 "Infrastructure." Structural elements, structural and  
26 nonstructural management practices and operating procedures that  
27 support drinking water, wastewater, storm water, floodplain and  
28 other water resources management activities.

29 "Integrated water resources management." Implementation of  
30 multiple statutory and regulatory planning obligations related

1 to the water resources of this Commonwealth.

2 "Integrated water resources management plan." A plan  
3 containing all of the elements prescribed under the Storm Water  
4 Management Act, and the additional requirements of Chapters 3  
5 and 4 which includes proposals for regulating activities and  
6 development that may affect water resources and wastewater  
7 management within the planning area.

8 "Land development." The subdivision of land, or the  
9 improvement of one or more lots, tracts or parcels of land for  
10 any purpose.

11 "Municipalities Planning Code." The act of July 31, 1968  
12 (P.L.805, No.247), known as the Pennsylvania Municipalities  
13 Planning Code.

14 "Municipality." A city, borough, town, township or another  
15 governmental unit when acting as an agent thereof or any  
16 combination of these acting jointly.

17 "Recharge." The process by which water is absorbed and is  
18 added to the zone of saturation of a groundwater aquifer. The  
19 term includes the quantity of water that is added to the zone of  
20 saturation.

21 "Remedial plan." A plan containing all of the elements  
22 prescribed under section 301 which includes requirements for  
23 assessment and remediation of storm-water-related problems.

24 "Responsible entity." A county or counties, multiple  
25 municipalities or water resources management authority  
26 designated to implement the comprehensive storm water management  
27 plan or integrated water resources management plan, or both,  
28 including construction, operation and maintenance of associated  
29 infrastructure.

30 "Storm water." Drainage runoff from the surface of the land



1 resulting from precipitation or snow or ice melt.

2 "Storm water best management practice" or "storm water BMP."  
3 Activities, facilities, measures or procedures used to protect,  
4 maintain, reclaim and restore the quantity and quality of waters  
5 and uses within this Commonwealth as approved by the department.  
6 The term includes plans under the Storm Water Management Act or  
7 other plans, treatment requirements, operating procedures and  
8 practices to manage and control the rate, volume and water  
9 quality of storm water runoff.

10 "Storm Water Management Act." The act of October 4, 1978  
11 (P.L.864, No.167), known as the Storm Water Management Act.

12 "Storm water management plan." A plan for storm water  
13 management prepared and adopted by a county in accordance with  
14 the Storm Water Management Act.

15 "Submitting agency." A county, counties, multiple  
16 municipalities or a water resources management authority which  
17 elects to develop and submit an integrated water resources  
18 management plan, in accordance with the requirements of section  
19 401(a), to the department for approval under this act.

20 "Subsurface drainage." Drainage runoff which occurs below  
21 the surface of the ground resulting from precipitation or snow  
22 or ice melt.

23 "Water resources management authority." A body politic and  
24 corporate created under the former act of May 2, 1945 (P.L.382,  
25 No.164), known as the Municipality Authorities Act of 1945, 53  
26 Pa.C.S. Ch. 56 (relating to municipal authorities) or section  
27 501 for the purpose of planning, constructing, operating,  
28 maintaining, managing and regulating storm water or integrated  
29 water resources management structures, practices and activities.

30 "Water resources management planning." Planning based on

1 watershed areas to protect, maintain, reclaim and restore the  
2 quality and quantity of surface water and groundwater and the  
3 physical, chemical and biological characteristics of bodies of  
4 water from the effects of past and future activities and  
5 development while assuring sustainable supplies of clean water  
6 to meet current and future needs and minimizing the impact of  
7 storm water on public health, safety, property and the  
8 environment.

9 "Watershed." The entire region or area drained by a river or  
10 other body of water, whether natural or artificial.

11 "Watershed-based planning area." A planning area approved by  
12 the department and based on watershed boundaries, as well as  
13 political boundaries or geographic considerations, that is the  
14 focus of a comprehensive storm water management plan or  
15 integrated water resources management plan.

## 16 CHAPTER 2

### 17 POWERS AND DUTIES

18 Section 201. Powers and duties of counties.

19 (a) Comprehensive storm water management plan.--A county  
20 shall prepare and ensure implementation of a comprehensive storm  
21 water management plan in accordance with section 301. In  
22 addition to any existing powers, and consistent with the  
23 requirements of section 401(a), the county may elect to develop  
24 or implement an integrated water resources management plan in  
25 accordance with Chapter 4.

26 (b) Review and comment.--A county shall review and comment  
27 on the location, design and construction within the watershed-  
28 based planning area of facilities owned or financed, in whole or  
29 in part, by funds from this Commonwealth, including storm water  
30 facilities, water obstructions, flood control projects, highways

1 and transportation facilities and facilities for the provision  
2 of public utility service, to assure their consistency with the  
3 plans developed pursuant to this act. The county shall review  
4 and take action on such submissions concurrent with the review  
5 period as provided in Article V of the Municipalities Planning  
6 Code.

7 (c) Inspection.--In accordance with plans developed under  
8 this act, a county shall also ensure inspection of water-  
9 resources-related facilities, provide for routine operation and  
10 maintenance of water resources management facilities and  
11 construct water resources management facilities.

12 (d) Public comment.--A county shall provide for public  
13 comment on all proposed publicly financed water resources  
14 capital projects undertaken pursuant to the remedial plan  
15 requirements in Chapter 3.

16 (e) Compliance.--Nothing that a county does under this act  
17 shall relieve any person engaged in activities or in the  
18 alteration or development of land of the responsibility to  
19 comply with the requirements of storm water ordinances of  
20 municipalities, an approved integrated water resources  
21 management plan and the requirements of the Storm Water  
22 Management Act, as well as all of the legal requirements of the  
23 other programs for which planning will be integrated in an  
24 integrated water resources management plan.

25 Section 202. Powers and duties of department and Environmental  
26 Quality Board.

27 (a) Department.--The department shall have the power and  
28 duty to:

29 (1) Coordinate the management of water resources in this  
30 Commonwealth, including the authority to develop processes

1 and certification programs for consulting and engineering  
2 services.

3 (2) Develop processes and procedures for resolving  
4 disputes associated with comprehensive storm water integrated  
5 water resources management planning among county and  
6 municipal planning bodies and government agencies concerning  
7 comprehensive storm water management plan development or  
8 implementation.

9 (3) Develop guidelines and policies to implement the  
10 purposes of this act, which may include specific  
11 comprehensive storm water management plan or integrated water  
12 resources management plan scope and content requirements,  
13 model integrated water resources management plans and model  
14 ordinances.

15 (4) Charge fees associated with the review of integrated  
16 water resources management plans that reasonably reflect the  
17 cost of review.

18 (5) Approve, disapprove or conditionally approve  
19 comprehensive storm water management plans and integrated  
20 water resources management plans.

21 (6) Undertake enforcement as necessary and appropriate  
22 and in accordance with this act.

23 (7) Take any other action required to carry out the  
24 purposes and policies of this act.

25 (8) Upon request of a county or municipality, provide  
26 technical assistance appropriate to accomplish the purposes  
27 of this act.

28 (b) Other laws.--Nothing in this act shall be construed to  
29 abrogate the authority of the department under any of the  
30 environmental laws administered by the department.

1 (c) Board.--The Environmental Quality Board shall adopt  
2 rules and regulations of the department as are necessary and  
3 appropriate to carry out the purposes of this act.

4 Section 203. Powers and duties of municipalities.

5 (a) Implementation of plans.--A municipality or multiple  
6 municipalities shall have the power and duty to implement  
7 comprehensive storm water management plans and any applicable  
8 integrated water resources management plan.

9 (b) Plan.--Consistent with the requirements of section  
10 401(a), multiple municipalities may elect to develop an  
11 integrated water resources management plan in accordance with  
12 Chapter 4.

13 (c) Land development and activities.--Municipalities shall  
14 regulate land development and activities consistent with the  
15 most recent applicable approved comprehensive storm water  
16 management plan or integrated water resources management plan  
17 and shall adopt ordinances to implement those plans.

18 (d) Enforcement.--Nothing in this act shall prohibit a  
19 municipality or county from enforcing any zoning, subdivision or  
20 land development ordinance which the municipality or county has  
21 adopted that is not in conflict with plans developed under this  
22 act.

23 Section 204. Powers and duties of water resources management  
24 authorities.

25 (a) Plan.--Water resources management authorities shall have  
26 the power and duty to implement and administer comprehensive  
27 storm water management plans when so designated and to implement  
28 and administer integrated water resources management plans when  
29 so designated.

30 (b) Integrated plan.--Consistent with the requirements of

1 section 401(a), water resources management authorities may elect  
2 to develop an integrated water resources management plan in  
3 accordance with Chapter 4.

4 (c) Powers and duties.--Water resources management  
5 authorities shall have the power and duty to set rates and  
6 assess and collect fees to carry out the purposes of this act.

7 (d) Annual report.--Water resources management authorities  
8 shall provide an annual report of actions and activities to the  
9 department.

10 CHAPTER 3

11 COMPREHENSIVE STORM WATER MANAGEMENT PLANNING

12 Section 301. Comprehensive storm water management planning and  
13 management requirements.

14 (a) Watershed boundaries.--Comprehensive storm water  
15 management plans shall be based on the watershed boundaries  
16 described in plans developed in accordance with the Storm Water  
17 Management Act, unless an alternate watershed-based planning  
18 area is approved by the department for good cause shown.

19 (b) Plans and updates.--Except as provided under subsection  
20 (e), within five years of the effective date of this section,  
21 counties shall prepare or update the plans developed in  
22 accordance with the Storm Water Management Act and, at a  
23 minimum, shall also prepare a remedial plan, which together  
24 shall constitute the comprehensive storm water management plan.  
25 At a minimum, the remedial plan shall include the following:

26 (1) Identification and assessment of existing problems  
27 associated with storm water runoff and subsurface drainage  
28 and the conditions that cause or contribute to the problems.

29 (2) Proposed solutions to or remediation of existing  
30 problems which take into account peak rates of storm water

1 runoff, the volume and velocity of storm water runoff and the  
2 quality of the storm water runoff necessary to prevent  
3 pollution and to protect, maintain, reclaim and restore  
4 waters of this Commonwealth, including:

5 (i) A remediation and retrofit priorities list.

6 (ii) A prioritized schedule for implementation and  
7 completion of the remedial plan.

8 (iii) A designation of the responsible entity for  
9 implementation of the plan and operation and maintenance  
10 of remedial infrastructure.

11 (3) Inventory of significant existing storm water  
12 management facilities in the watershed, their engineering  
13 design features, their ownership and maintenance  
14 responsibility and an assessment of their functional  
15 effectiveness.

16 (4) A program for public information, participation and  
17 education.

18 (5) Provision for comprehensive storm water management  
19 plan review and update at a minimum of every five years.

20 (6) Demonstration of or steps to achieve general  
21 consistency with:

22 (i) The applicable comprehensive storm water  
23 management plans of the municipality and county enacted  
24 under the Municipalities Planning Code.

25 (ii) Other existing applicable Federal, State,  
26 interstate, regional and county environmental and land  
27 use plans.

28 (iii) Existing applicable watershed storm water  
29 management plans, including minimum standards required by  
30 the Storm Water Management Act.

1 (c) Exception.--Except as provided under this act, the  
2 requirements and procedures in sections 6, 7, 8, 9, 10, 11 and  
3 12 of the Storm Water Management Act shall be followed in  
4 developing the comprehensive storm water management plan under  
5 this section. These provisions apply to development and  
6 implementation of the applicable plan and implementing ordinance  
7 and regulation revisions required by this section.

8 (d) Design criteria and standards.--The comprehensive storm  
9 water management plan shall identify the design criteria or  
10 performance standard for any storm water management practice  
11 implemented under this section, and the county or the department  
12 shall have no responsibility to reimburse the cost of any  
13 practice not meeting the design criteria or performance  
14 standard.

15 (e) Extension of deadline.--The department shall extend the  
16 deadline under subsection (b) for preparation of a comprehensive  
17 storm water management plan if, upon application by such  
18 counties for grants and reimbursements authorized under section  
19 608(a) to meet the requirements of this chapter, the department  
20 determines that such grants and reimbursements are not  
21 available. The department may extend the deadline for such  
22 counties for compliance with subsection (b) for up to five years  
23 from the date of the department's authorization of such grants  
24 or reimbursements.

25 Section 302. Review and approval or disapproval by department.

26 (a) General rule.--The department may approve or disapprove  
27 comprehensive storm water management plans in whole or in part  
28 or with conditions that the department determines are reasonable  
29 and appropriate.

30 (b) Effect of inaction by department.--Unless the department



1 approves, conditionally approves or disapproves the  
2 comprehensive storm water management plan within 120 days of  
3 receipt, the comprehensive storm water management plan shall be  
4 deemed acceptable as submitted.

5 Section 303. Implementation of comprehensive storm water  
6 management plans.

7 (a) Ordinances.--Within 18 months following adoption and  
8 approval of a comprehensive storm water management plan, each  
9 municipality shall adopt or amend such ordinances and  
10 regulations, including zoning, subdivision and development,  
11 building code and erosion and sedimentation ordinances,  
12 necessary to regulate development and activities and to control  
13 storm water within the municipality in a manner consistent with  
14 the applicable comprehensive storm water management plan,  
15 including the remedial plan to address existing problems, and  
16 the provisions of the Storm Water Management Act and this act.  
17 The department may extend the deadline six months for compliance  
18 with this section upon request based upon a demonstration of  
19 need.

20 (b) Remedial plan.--Following adoption and approval of  
21 comprehensive storm water management plans, the responsible  
22 entity shall implement the remedial plan.

23 (c) Infrastructure implementation.--Unless otherwise  
24 specified in a county-adopted and department-approved  
25 comprehensive storm water management plan, infrastructure  
26 improvements under the comprehensive storm water management plan  
27 shall be implemented by any of the following means:

28 (1) Each municipality shall carry out the plan within  
29 its boundaries, either individually or by agreement with  
30 another municipality, county or a joint agency.

1           (2) One or more municipalities in the watershed may  
2 request that the county or counties in the watershed assume  
3 responsibility for implementation of the plan. The county or  
4 counties may assume responsibility for implementation of the  
5 plan and operational authority for the storm water facilities  
6 as provided for in the plan, but only for municipalities that  
7 agree to allow the county or counties to assume  
8 implementation responsibilities.

9           (3) If two-thirds of the municipalities, representing at  
10 least 51% of the population within the watershed, through  
11 adoption of resolutions of their governing bodies, request  
12 that the county or counties in the watershed assume  
13 responsibility for implementation of the plan, then the  
14 county or counties shall meet with the municipalities to  
15 develop a plan of implementation, to be adopted within 12  
16 months. The following shall apply:

17           (i) If the county or counties and municipalities do  
18 not adopt a plan of implementation after 12 months, the  
19 department may convene a three-person panel to be  
20 comprised of one representative or designee appointed by  
21 the department, one representative or designee appointed  
22 by the county or counties and one representative or  
23 designee appointed by the group of municipalities. The  
24 county or counties and municipalities shall have 30 days  
25 from the date the department convenes the panel to select  
26 their representative or designee.

27           (ii) The department shall oversee the panel's  
28 completion of the implementation plan, which shall be  
29 adopted within six months from the panel's first meeting.  
30 The first meeting of the panel shall be held no later

1 than 45 days from the date the panel is convened.

2 (iii) If either the county or municipalities fail to  
3 appoint a representative or designee, the department  
4 shall complete the plan of implementation in cooperation  
5 with any timely appointed representative or designee. If  
6 there are no timely appointed representatives or  
7 designees from the county or municipalities, the  
8 department shall complete the plan of implementation.

9 (iv) Failure of the county or municipalities to  
10 comply with the final plan of implementation developed in  
11 accordance with this subsection constitutes a violation  
12 of this act.

13 (d) Responsible entity.--Where the responsible entity fails  
14 to timely implement the remedial plan associated with approved  
15 and adopted comprehensive storm water management plans, the  
16 county may implement the remedial plan.

17 (e) Development of model ordinances.--Within three years of  
18 the effective date of this section, the department shall develop  
19 a set of model ordinances, including a specific model  
20 comprehensive storm water management ordinance, that can be used  
21 as a guide by municipalities to adopt regulations designed to  
22 implement the applicable comprehensive storm water management  
23 plan.

24 (f) Waiver provisions.--The implementing ordinances and  
25 regulations shall not contain a waiver provision except for  
26 those waivers included in the model ordinance in the adopted and  
27 approved comprehensive storm water management plan.

28 (g) Decisions.--The department, other Commonwealth  
29 departments and agencies and county and municipal governments  
30 and agencies shall consider and shall make decisions with

1 respect to issuance of permits, approvals or grants that are  
2 generally consistent with comprehensive storm water management  
3 plans prepared, adopted and approved under this act.

4 (h) Review and issuance procedures.--The department shall  
5 develop procedures to coordinate the review and issuance of all  
6 department permits, approvals or grants that cover construction,  
7 operation and maintenance of all current and future facilities  
8 that are necessary to implement the comprehensive storm water  
9 management plans, including the designation of a single point of  
10 contact for all department permits or approvals for the  
11 facilities.

12 (i) Construction.--Nothing in this act shall be construed to  
13 relieve a county or municipality from compliance with existing  
14 obligations under the Storm Water Management Act.  
15 Section 304. Failure to submit and implement comprehensive  
16 storm water management plan.

17 (a) Actions.--A person, municipality or the department may  
18 institute an action in mandamus to compel a county to prepare,  
19 adopt and submit a comprehensive storm water management plan in  
20 accordance with the Storm Water Management Act and this act.

21 (b) Administrative remedies.--The department may utilize  
22 administrative remedies, including administrative orders, or may  
23 institute an action in mandamus to compel a county to prepare,  
24 adopt and submit a comprehensive storm water management plan in  
25 accordance with the Storm Water Management Act and this act.

26 (c) Reimbursement.--When action by the municipality or  
27 department is required to compel a county to prepare, adopt,  
28 submit or implement a comprehensive storm water management plan,  
29 the department shall not provide grants or reimbursements to the  
30 county for the cost of the comprehensive storm water management

1 plan.

2 (d) Costs and fees.--The costs, attorney fees,  
3 administrative fees and other expenses associated with  
4 proceedings under this section shall be recoverable from the  
5 violator.

6 Section 305. Failure of municipalities to adopt ordinances and  
7 implement plans.

8 (a) Procedure following approval.--Following adoption and  
9 approval of a comprehensive storm water management plan, in  
10 accordance with section 303(a):

11 (1) Any person may institute an action in mandamus to  
12 compel a municipality to adopt implementing ordinances and to  
13 implement a comprehensive storm water management plan and  
14 ordinances in accordance with the Storm Water Management Act  
15 and this act.

16 (2) The county or the department may utilize  
17 administrative remedies, including administrative orders, or  
18 may institute an action in mandamus to compel a municipality  
19 to adopt ordinances or to implement a comprehensive storm  
20 water management plan in accordance with the Storm Water  
21 Management Act and this act.

22 (3) When action by the county, the department or any  
23 person is required to compel a municipality to adopt  
24 ordinances or to implement a comprehensive storm water  
25 management plan, the department shall not provide grants or  
26 reimbursements to the municipality for the associated costs.

27 (b) Costs and fees.--The costs, attorney fees,  
28 administrative fees and other expenses associated with  
29 proceedings under this section shall be recoverable from the  
30 violator.

1 CHAPTER 4

2 INTEGRATED WATER RESOURCES MANAGEMENT

3 PLANNING AND PROCEDURE

4 Section 401. Water resources management coordination and  
5 integration.

6 (a) Submitting agency.--A county or multiple counties may  
7 elect to develop integrated water resources management plans. If  
8 a county or counties have not provided notice to the department  
9 of the intention to develop an integrated water resources  
10 management plan, then multiple municipalities or water resources  
11 management authorities located in such counties may elect to  
12 develop integrated water resources management plans in  
13 accordance with this act, beginning one year from the effective  
14 date of this act.

15 (b) Plans.--Integrated water resources management plans may  
16 be developed for individual or multiple watersheds, or upon  
17 department-approved watershed-based planning areas, designated  
18 in accordance with, but not limited to, the following  
19 considerations:

20 (1) Existence of critical water planning areas.

21 (2) Waters listed pursuant to section 303 of the Federal  
22 Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. §  
23 1313(d)).

24 (3) Flooding history.

25 (4) Special protection watersheds.

26 (5) Current or projected population density.

27 (6) Current or projected rate of development.

28 (7) Percent of impervious cover.

29 (c) Minimum requirements.--Integrated water resources  
30 management plans shall, at a minimum, be consistent with this

1 act and the following statutes:

2 (1) The Federal Water Pollution Control Act (62 Stat.  
3 1155, 33 U.S.C. § 1251 et seq.).

4 (2) The Safe Drinking Water Act (Public Law 93-523, 21  
5 U.S.C. § 349 and 42 U.S.C. §§ 201 and 300f et seq.).

6 (3) The Clean Streams Law.

7 (4) The act of May 1, 1984 (P.L.206, No.43), known as  
8 the Pennsylvania Safe Drinking Water Act.

9 (5) The Storm Water Management Act.

10 (6) The act of October 4, 1978 (P.L.851, No.166), known  
11 as the Flood Plain Management Act.

12 (7) The act of January 24, 1966 (1965 P.L.1535, No.537),  
13 known as the Pennsylvania Sewage Facilities Act.

14 (8) The act of November 26, 1978 (P.L.1375, No.325),  
15 known as the Dam Safety and Encroachments Act.

16 (9) The Water Resources Development Act of 1986 (Public  
17 Law 99-662, 33 U.S.C. § 2213(j)).

18 (10) The act of June 24, 1939 (P.L.842, No.365),  
19 referred to as the Water Rights Law.

20 (11) The act of May 15, 1945 (P.L.547, No.217), known as  
21 the Conservation District Law.

22 (12) The Municipalities Planning Code.

23 (13) The provisions of 53 Pa.C.S. Ch. 56 (relating to  
24 municipal authorities).

25 (14) The provisions of 3 Pa.C.S. Ch. 5 (relating to  
26 nutrient management and odor management).

27 (15) Any other applicable Federal or State law as  
28 determined by the department.

29 (d) Entities.--Entities which elect to undertake integrated  
30 water resources management planning shall do so in accordance

1 with this act.

2 (e) Compliance.--If an entity elects to undertake integrated  
3 water resources management planning and the plan is approved by  
4 the department in accordance with this act, the entity is deemed  
5 to have satisfied the procedural and substantive planning  
6 requirements of the acts listed in subsection (c) that impose  
7 planning requirements.

8 Section 402. Integrated water resources management planning  
9 process.

10 (a) Boundaries.--Integrated water resources management plans  
11 shall be based upon the boundaries described in plans developed  
12 in accordance with section 401(b), unless an alternate  
13 watershed-based planning area is approved by the department for  
14 good cause shown.

15 (b) Development.--Public participation in the development of  
16 the integrated water resources management plan shall be provided  
17 as follows:

18 (1) An integrated water resources management plan  
19 advisory committee, composed of one representative appointed  
20 by the governing body of each municipality in the watershed-  
21 based planning area, the county and any county conservation  
22 district in the planning area watershed, any compact basin  
23 commission in the planning area watershed and other agencies  
24 and groups, as are necessary and proper, shall be established  
25 to advise the submitting agency throughout the process.

26 (2) Prior to adoption, the plan shall be reviewed by the  
27 official planning agency, if one exists, and governing body  
28 of each municipality and county and by each regional planning  
29 agency in the watershed for general consistency with other  
30 plans and programs affecting the watershed-based planning



1 area. All such reviews and the submitting agency's responses  
2 shall be submitted to the department with the plan at the  
3 time a review of the plan is requested from the department.

4 (3) Prior to adoption or amendment of the plan,  
5 reasonable public notice shall be given at least 14 days  
6 prior to the hearing, and a public hearing shall be held  
7 within the watershed-based planning area.

8 (c) Adoption.--Adoption or amendment by the submitting  
9 agency of the integrated water resources management plan shall  
10 be by resolution of the governing body or bodies of the agency  
11 or agencies identified in subsection (b), which have authorized  
12 development of the plan.

13 (d) Approval by department.--The following shall apply:

14 (1) Prior to adoption or substantive amendment, the  
15 submitting agency shall submit the integrated water resources  
16 management plan to the department for review. The department  
17 shall approve or conditionally approve the integrated water  
18 resources management plan if it determines that it is  
19 generally consistent with the following:

20 (i) Section 401(c).

21 (ii) All current approved watershed restoration and  
22 protection plans that have been developed in the planning  
23 area.

24 (iii) All current approved total maximum daily loads  
25 (TMDLs) for waters of the planning area.

26 (iv) All current source water protection plans that  
27 have been adopted in the planning area.

28 (v) All current rivers conservation plans in the  
29 watershed-based planning area that have been approved by  
30 the Department of Conservation and Natural Resources.

1 (vi) All current critical area resource plans that  
2 have been approved by the department.

3 (vii) All current applicable water resources plans  
4 adopted by a river basin commission.

5 (2) Unless the department approves, conditionally  
6 approves or disapproves the integrated water resources  
7 management plan within 120 days of receipt, the plan will be  
8 deemed acceptable as submitted.

9 (3) If the department determines that the proposed  
10 integrated water resources management plan will not meet the  
11 requirements of this act, the department shall disapprove the  
12 plan in writing, which writing shall identify the basis for  
13 disapproval.

14 (4) The integrated water resources management planning  
15 area, either based upon the boundaries described in plans  
16 developed in accordance with the Storm Water Management Act  
17 or an alternate watershed-based planning area approved by the  
18 department, shall be considered a reasonable geographic area  
19 in a multimunicipal comprehensive plan prepared pursuant to  
20 Article XI of the Municipalities Planning Code as long as the  
21 county or multiple municipalities follow the procedures in  
22 Article XI of the Municipalities Planning Code.

23 (e) Design criteria and standards.--The integrated water  
24 resources management plan shall identify the design criteria or  
25 performance standard for any water management practice  
26 implemented under this section, and the county or the department  
27 shall have no responsibility to reimburse the cost of any  
28 practice not meeting the design criteria or performance  
29 standard.

30 Section 403. Integrated water resources management plan

1 requirements.

2 (a) Local authorization.--The following shall apply:

3 (1) The submitting agency may develop an integrated  
4 water resources management plan as described in this section.  
5 If all counties or municipalities in the watershed do not  
6 agree to develop the plan, the plan shall use standards at  
7 the boundaries of the nonparticipating county or  
8 municipalities that are consistent with the integrated water  
9 resources management plan.

10 (2) Federal lands shall be included in the integrated  
11 water resources management plan in consultation with the  
12 United States Department of the Interior.

13 (3) State lands shall be included in the integrated  
14 water resources management plan in consultation with the  
15 appropriate State agency.

16 (4) The integrated water resources management plan shall  
17 be generally consistent with comprehensive plans of counties  
18 and municipalities enacted under the Municipalities Planning  
19 Code.

20 (5) A comprehensive plan of a county or a municipality  
21 enacted under the Municipalities Planning Code, subsequent to  
22 adoption of this act, shall be generally consistent with the  
23 integrated water resources management plan approved under  
24 this act that applies to the county or municipality.

25 (6) An integrated water resources management plan  
26 adopted on a multimunicipal basis pursuant to this act shall  
27 constitute the water planning required pursuant to section  
28 301(a)(4) of the Municipalities Planning Code and shall be  
29 considered a plan for the reliable supply of water pursuant  
30 to section 301(b) of the Municipalities Planning Code if it

1 is a component of a multimunicipal comprehensive plan  
2 prepared pursuant to Article XI of the Municipalities  
3 Planning Code, as long as the county or multiple  
4 municipalities follow the procedures in Article XI of the  
5 Municipalities Planning Code.

6 (b) Integrated water resources management plan content.--The  
7 integrated water resources management plan, at a minimum, shall:

8 (1) Coordinate the planning provisions in and  
9 demonstrate consistency with Federal and State statutes and  
10 programs identified in section 401(a).

11 (2) Delineate the approved watershed-based planning area  
12 boundary.

13 (3) Inventory all existing and planned water and  
14 wastewater treatment systems and service areas and all  
15 significant water resources management facilities within the  
16 watershed, their ownership and the parties responsible for  
17 their operation and maintenance and provide an assessment of  
18 the functional effectiveness of such systems and facilities.

19 (4) Estimate current and future water demands.

20 (5) Identify all local conservation areas such as  
21 protected riparian corridors, conservation easements,  
22 wellhead and source water protection areas, preserved  
23 farmland, greenways, publicly owned land and other areas that  
24 have land-use restrictions based on natural conditions.

25 (6) Identify all environmentally sensitive features of  
26 the watershed, such as wetlands, habitat for rare and  
27 endangered plant and animal species, special protection  
28 waters and karst geology.

29 (7) Identify and consider all current storm water  
30 management plans and watershed protection and restoration

1 plans that have been prepared by citizen groups, nonprofit  
2 organizations, conservation districts, county and municipal  
3 governments and Federal, State, interstate or regional  
4 agencies.

5 (8) Identify and describe all existing regionally  
6 significant water quality problems and water resources  
7 management problems within the watershed, including those  
8 caused by domestic or industrial wastewater, nonpoint sources  
9 of pollution, water availability and storm water and  
10 floodplain management problems.

11 (9) Project future land-use changes over a 10-year  
12 period based on population estimates, anticipated  
13 development, planning and zoning requirements, economic  
14 considerations and public infrastructure.

15 (10) Identify and evaluate alternatives for future water  
16 demands, including water supply and wastewater demands.

17 (11) Identify, evaluate and prioritize management  
18 practices, procedures and other strategies to protect,  
19 maintain, reclaim, restore and enhance water quality and  
20 water resources based on existing conditions and projected  
21 growth and land use changes.

22 (12) Designate the responsible entity for implementation  
23 of the plan and for operation and maintenance of water  
24 quality protection and water resources management facilities,  
25 such as wastewater treatment plants and community or  
26 individual storm water control facilities.

27 (13) Identify and evaluate potential water conservation  
28 and reuse measures.

29 (14) Identify and evaluate source water protection  
30 alternatives.

1           (15) Identify financing alternatives, including rate  
2 structures for fees and assessments to implement the plan.

3           (16) Present selected financing methods and priorities.

4           (17) Present a prioritized schedule and process for plan  
5 implementation.

6           (18) Establish a program for public participation,  
7 information and education.

8           (19) Provide for plan reviews and updates on a minimum  
9 five-year cycle.

10          (20) Provide model ordinances for plan implementation.

11          (c) Additional issues.--The integrated water resources  
12 management plans may address additional issues, including the  
13 following:

14           (1) Preventing increased flood stages in streams.

15           (2) Controlling the quantity, peak and volume,  
16 direction, rate and velocity of storm water runoff and  
17 subsurface drainage and the quality thereof consistent with  
18 State water quality standards.

19           (3) Improving groundwater recharge.

20           (4) Maximizing the opportunities for integration of  
21 water resources management and protection under the existing  
22 laws and regulations.

23           (5) Creating water resources management corridors  
24 pursuant to section 405.

25           (6) Supporting ecologically sustainable water  
26 management, sustainable water supplies, water conservation,  
27 surface and groundwater management, development of resource  
28 strategies, providing for long-term infrastructure investment  
29 strategies, evaluating environmental impacts and options and  
30 evaluating economic impacts and options.

1 Section 404. Implementation of integrated water resources  
2 management plans.

3 (a) Requirements.--Within 180 days of the department's  
4 approval of an integrated water resources management plan, each  
5 county and municipality within the area subject to the plan  
6 shall:

7 (1) Adopt or amend ordinances and regulations, including  
8 zoning, subdivision and development, building code, erosion  
9 and sedimentation and storm water ordinances, as are  
10 necessary to regulate development and local activities in a  
11 manner consistent with the applicable approved plan and the  
12 provisions of this act.

13 (2) Implement ordinances and regulations, including  
14 zoning, subdivision and development, building code, erosion  
15 and sedimentation and storm water ordinances, as are  
16 necessary to regulate development and local activities in a  
17 manner consistent with the applicable approved plan and the  
18 provisions of this act.

19 (b) Infrastructure implementation.--Infrastructure  
20 improvements under an integrated water resources management plan  
21 shall be implemented through any of the following:

22 (1) A municipality shall carry out the plan within its  
23 boundaries, either individually or by agreement with another  
24 municipality or county or a joint agency.

25 (2) One or more municipalities in the watershed may  
26 request that the county or counties in the watershed assume  
27 responsibility for implementation of the plan. The county or  
28 counties may assume responsibility for implementation of the  
29 plan and operational authority for the water resources  
30 management facilities provided for in the plan, but only for

1 municipalities that agree to allow the county or counties to  
2 assume implementation responsibilities.

3 (3) If two-thirds of the municipalities, representing at  
4 least 51% of the population within the watershed, through  
5 adoption of resolutions of their governing bodies, request  
6 that the county or counties in the watershed assume  
7 responsibility for implementation of the plan, then the  
8 county or counties shall meet with the municipalities to  
9 develop a plan of implementation to be adopted within 12  
10 months. The following shall apply:

11 (i) If the county or counties and municipalities do  
12 not adopt a plan of implementation after 12 months, the  
13 department may convene a three-person panel to be  
14 comprised of one representative or designee appointed by  
15 the department, one representative or designee appointed  
16 by the county or counties and one representative or  
17 designee appointed by the group of municipalities. The  
18 county or counties and municipalities shall have 30 days  
19 from the date the department convenes the panel to select  
20 their representative or designee.

21 (ii) The department shall oversee the panel's  
22 completion of the implementation plan, which shall be  
23 adopted within six months from the panel's first meeting.  
24 The first meeting of the panel shall be held no later  
25 than 45 days from the date the panel is convened.

26 (iii) If either the county or municipalities fail to  
27 appoint a representative or designee, the department  
28 shall complete the plan of implementation in cooperation  
29 with any timely appointed representative or designee. If  
30 there are no timely appointed representatives or



1           designees from the county or municipalities, the  
2           department shall complete the plan of implementation.

3           (iv) Failure of the county or municipalities to  
4           comply with the final plan of implementation developed in  
5           accordance with this subsection constitutes a violation  
6           of this act.

7           (c) Development of model ordinances.--Within 180 days of the  
8           effective date of this section, the department shall develop a  
9           set of model ordinances, including a specific model integrated  
10          water resources management ordinance, that can be used as a  
11          guide by local governments to adopt regulations designed to  
12          implement their integrated water resources management plan.

13          (d) Waiver.--The implementing ordinances and regulations  
14          shall not contain a waiver provision except for those waivers  
15          included in the model ordinance in the adopted and approved  
16          integrated water resources management plan.

17          (e) Permits, approvals or grants.--The department, other  
18          Commonwealth departments and agencies and county and municipal  
19          governments and agencies shall consider and shall make decisions  
20          with respect to issuance of permits, approvals or grants that  
21          are generally consistent with integrated water resources  
22          management plans adopted under this act.

23          (f) Review and issuance procedures.--The department shall  
24          develop procedures to coordinate the review and issuance of all  
25          department permits, approvals or grants that cover construction,  
26          operation and maintenance of all current and future facilities  
27          that are necessary to implement the integrated water resources  
28          management plans, including the designation of a single point of  
29          contact for all department permits or approvals for such  
30          facilities.

1 (g) County implementation.--Where the responsible entity  
2 fails to timely implement the approved and adopted integrated  
3 water resources management plan, the county may implement the  
4 approved integrated water resources management plan.

5 Section 405. Water resources management corridors.

6 (a) Additional limitations.--Integrated water resources  
7 management plans may establish water resources management  
8 corridors to provide additional limitations on activities and  
9 development for protection of waters of this Commonwealth, and  
10 in the interest of public health and safety, those designated as  
11 special protection under the department's rules and regulations,  
12 critical riparian areas, including minimum riparian buffers,  
13 wetlands, critical habitat areas and floodplain management  
14 areas.

15 (b) Protection of corridors.--The submitting agency shall  
16 ensure that water resources management corridors are protected  
17 through acquisition, easements, trusts or other appropriate  
18 legal instruments that guarantee forested buffering, building  
19 setbacks and reasonable and appropriate public access.

20 (c) Adjacent watersheds.--Development of integrated water  
21 resources management plans established for adjacent watersheds,  
22 which contain water resources management corridors, shall be  
23 coordinated by submitting agencies to ensure consistency among  
24 water resources management corridors.

25 Section 406. Failure of municipalities to adopt implementing  
26 ordinances.

27 (a) Procedures.--Following adoption and approval of an  
28 integrated water resources management plan:

29 (1) A county or the department may institute an action  
30 in mandamus to compel a municipality to adopt implementing

1 ordinances and to implement an integrated water resources  
2 management plan and ordinances in accordance with this act.

3 (2) The county or department may utilize administrative  
4 remedies, including administrative orders, or may institute  
5 an action in mandamus to compel a municipality to adopt  
6 ordinances or to implement an integrated water resources  
7 management plan in accordance with this act.

8 (3) When action by the county or department or any  
9 person is required to compel a municipality to adopt  
10 ordinances or to implement an integrated water resources  
11 management plan, the department shall not provide grants or  
12 reimbursements to the municipality for the associated costs.

13 (b) Costs and fees.--The costs, attorney fees and  
14 administrative fees and other expenses associated with  
15 proceedings under this section shall be recoverable from the  
16 violator.

## 17 CHAPTER 5

### 18 WATER RESOURCES MANAGEMENT AUTHORITIES

19 Section 501. Water resources management authorities.

20 (a) Authorities.--A county or multiple counties may elect to  
21 create a water resources management authority where there is no  
22 authority created pursuant to 53 Pa.C.S. Ch. 56 (relating to  
23 municipal authorities) within the jurisdiction or expand the  
24 scope of an existing authority to undertake powers and duties as  
25 may be delegated by the incorporating municipality pursuant to  
26 this act. If a county or counties have not provided notice to  
27 the department of the intention to create a water resources  
28 management authority or expand the scope of an existing  
29 authority in accordance with this act, multiple municipalities  
30 located in a county or counties may create a water resources

1 management authority or expand the scope of an existing  
2 authority in accordance with this act, beginning one year from  
3 the effective date of this section.

4 (b) Creation or expansion of water resources management  
5 authorities.--A county or multiple counties or multiple  
6 municipalities which have assumed or plan to assume  
7 responsibility for the development, implementation and  
8 administration of comprehensive storm water management plans or  
9 an integrated water resources management plan shall have the  
10 right to incorporate as a water resources management authority  
11 pursuant to 53 Pa.C.S. Ch. 56 for the purposes set forth under  
12 53 Pa.C.S. § 5607 (relating to purposes and powers) relating to  
13 projects of the kind and character set forth below:

14 (1) Comprehensive storm water planning, collection,  
15 treatment, remedial plan implementation and infrastructure  
16 management and parts thereof, including regulation, operation  
17 and maintenance, repair, replacement, reconstruction and  
18 expansion pursuant to the Storm Water Management Act and this  
19 act.

20 (2) Integrated water resources management in accordance  
21 with plans adopted and approved under this act.

22 (c) Transfer of authority and obligation to operate and  
23 maintain water resources management best management practices to  
24 water authorities.--Transfer of authority shall be conducted as  
25 follows:

26 (1) The authority and obligation to operate and maintain  
27 water resources management best management practices,  
28 including comprehensive storm water management or integrated  
29 water resources management best management practices on  
30 private lands, may be transferred to the county or water

1 resources management authority at their discretion. Whether  
2 transferred or not, the operation and maintenance shall be  
3 consistent with the design standards, criteria, schedules and  
4 other requirements established under the comprehensive storm  
5 water management plans or integrated water resources  
6 management plans.

7 (2) All transferred obligations shall be subject to an  
8 easement for maintenance and inspection access.

9 Section 502. Additional powers and duties of water resources  
10 management authorities.

11 (a) Exceptions.--Except as provided by this act, the  
12 requirements and procedures in 53 Pa.C.S. § 5607 (relating to  
13 purposes and powers) shall be followed in developing the rates  
14 and fees and the process for assessing and collecting such fees.

15 (b) Reimbursement of implementation and maintenance costs.--  
16 The following shall apply to reimbursement:

17 (1) A county or municipality shall be reimbursed by the  
18 water resources management authority for reasonable costs  
19 that support the comprehensive storm water management plan or  
20 integrated water resources plan implementation,  
21 administration and maintenance under this paragraph and  
22 paragraph (2).

23 (2) Reimbursement shall not include costs related to  
24 sanitary sewage facilities.

25 (3) The water resources management authority shall have  
26 the right to audit the county's or municipality's costs of  
27 implementation and maintenance for which reimbursement is  
28 sought.

29 (4) Nothing in this section shall be construed to limit  
30 or impair application of this act to any county, municipality

1 or person, or to relieve any county, municipality or person  
2 of duties required under this act, including preparation and  
3 implementation of plans.

4 (c) Design criteria and standards.--The comprehensive storm  
5 water management plan or integrated water resources management  
6 plan shall identify the design criteria or performance standard  
7 for any storm water management practice implemented under this  
8 section, and the county shall have no responsibility to  
9 reimburse the cost of any practice not meeting the design  
10 criteria or performance standard.

11 (d) Maintenance of storm water practices or integrated water  
12 resources management facilities.--Continuing maintenance of  
13 storm water or water resources management practice shall be the  
14 responsibility of the water resources management authority  
15 implementing the practice under subsection (b)(1) and (2) unless  
16 there is specific agreement otherwise between the water  
17 resources management authority and the implementing party.

18 (e) Objections.--Any resident, owner of real property or  
19 person in the plan area questioning the rate or fees fixed by  
20 the county, including extensions of service thereof, shall first  
21 raise such objections with the county or the water resources  
22 management authority, as the case may be. After exhausting their  
23 administrative remedies, persons may bring suit against the  
24 water resources management authority or county in the court of  
25 common pleas of the county in which the principal office of the  
26 water resources management authority is located.

27 CHAPTER 6

28 RIGHTS, REMEDIES, FUNDING AND ENFORCEMENT

29 Section 601. Duty of persons engaged in development of land.

30 Any landowner and any person engaged in any activity,

1 alteration or development of land which may affect water  
2 resources or storm water runoff characteristics shall:

3 (1) Manage rate, volume, velocity, direction and quality  
4 of runoff so as to:

5 (i) Prevent pollution to waters of this Commonwealth  
6 as defined in the Clean Streams Law.

7 (ii) Protect safety and prevent injury to health and  
8 other property.

9 (2) Ensure that the maximum rate of storm water runoff  
10 is not increased.

11 (3) Where there are applicable comprehensive storm water  
12 management plans or integrated water resources management  
13 plans, implement such measures consistent with the provisions  
14 in the applicable plans as are reasonably necessary to  
15 protect, maintain, reclaim and restore waters of this  
16 Commonwealth and to prevent injury to health, safety or  
17 property.

18 Section 602. Funding and imposing fees on tax-exempt property.

19 (a) General rule.--Except as provided under subsection (b),  
20 real property that is exempt from the payment of real estate tax  
21 shall be subject to the fees and charges imposed in accordance  
22 with this act.

23 (b) Exempt property.--The following property shall be exempt  
24 from the fees imposed by this act:

25 (1) Property owned by a political subdivision, county or  
26 municipality.

27 (2) Property owned by a water resources management  
28 authority.

29 Section 603. Entry upon land for surveys and examinations.

30 (a) Representatives.--Designated representatives of the

1 Commonwealth or a county, municipality or authority, upon  
2 serving a reasonable notice and with the authorization of the  
3 landowner or occupier, may enter upon lands in the plan area to  
4 make surveys and examinations to accomplish the planning  
5 purposes of this act.

6 (b) Inspections.--The department is authorized to make  
7 inspections, conduct tests or sampling or examine books, papers  
8 and records pertinent to any matter under investigation pursuant  
9 to this act as it deems necessary to determine compliance with  
10 this act, and, for this purpose, the duly authorized agents and  
11 employees of the department are authorized at all reasonable  
12 times to enter and examine any property, facility, operation or  
13 activity.

14 (c) Agents and employees.--The owner, operator or other  
15 person in charge of property, facilities, operations or  
16 activities where storm water or integrated water resources  
17 management facilities are located shall, upon presentation of  
18 proper identification and purpose for inspection, give agents  
19 and employees of the department free and unrestricted entry and  
20 access, and, upon refusal to grant entry or access, the agent or  
21 employee may obtain a search warrant or other suitable order  
22 authorizing entry and inspection. It shall be sufficient  
23 probable cause to issue a search warrant authorizing examination  
24 and inspection if there is probable cause to believe that the  
25 object of the investigation is subject to regulation under this  
26 act and access, examination or inspection is necessary to  
27 enforce the provisions of this act.

28 Section 604. Preservation of existing rights and remedies.

29 The taking of any action under the provisions of this act  
30 shall not be construed as estopping the Commonwealth or any



1 county, municipality or aggrieved person from proceeding in  
2 courts of law or equity to abate nuisances under existing law or  
3 to restrain, at law or in equity, a violation of this act.

4 Section 605. Civil remedies.

5 (a) Public nuisance.--Any activity conducted in violation of  
6 the provisions of this act or of any comprehensive storm water  
7 management plan or integrated water resources management plan or  
8 regulations or ordinances adopted under this act is hereby  
9 declared a public nuisance.

10 (b) Actions.--

11 (1) Suits to restrain, prevent or abate violations of  
12 this act or of any comprehensive storm water management plan,  
13 integrated water resources management plan, regulations or  
14 ordinances adopted under this act may be instituted in equity  
15 or at law by the department, any affected county or  
16 municipality or any aggrieved person in any court of  
17 competent jurisdiction.

18 (2) Except in cases of emergency where, in the opinion  
19 of the court, the circumstances of the case require immediate  
20 abatement of the unlawful conduct, the court may, in its  
21 decree, fix a reasonable time during which the person  
22 responsible for the unlawful conduct shall correct or abate  
23 the conduct.

24 (3) The costs, attorney fees, administrative fees and  
25 other expenses associated with proceeding under this section  
26 shall be recoverable from the violator.

27 (c) Damages.--Any person injured by conduct which violates  
28 the provisions of this act may, in addition to any other remedy  
29 provided under this act, recover damages caused by a violation  
30 from the landowner or other responsible person.

1 Section 606. Administrative procedure and judicial review.

2 (a) Appeal of action of department.--Any person aggrieved by  
3 any action of the department under this act shall have the right  
4 within 30 days of receipt of notice of such action to appeal to  
5 the Environmental Hearing Board.

6 (b) Appeal of action of political subdivision.--Any person  
7 aggrieved by any action of a county, municipality or water  
8 resources management authority under this act shall have a right  
9 to appeal in accordance with 2 Pa.C.S. Chs. 5 (relating to  
10 practice and procedure) and 7 (relating to judicial review).

11 Section 607. Integrated Water Resources Management Account.

12 All fees collected by the department under this act shall be  
13 paid into the State Treasury into a special restricted receipt  
14 account in the General Fund, known as the Integrated Water  
15 Resources Management Account, which shall be administered by the  
16 department to implement the purposes of this act and which funds  
17 are hereby appropriated to the department for such purposes.

18 Section 608. Grants and reimbursements.

19 (a) Grants.--The department may administer grants to  
20 counties and water resources management authorities to assist or  
21 reimburse the counties, municipalities and the water resources  
22 management authorities for allowable costs in preparing the  
23 initial comprehensive storm water management plans and  
24 integrated water resources management plans under this act.  
25 Grants and reimbursements shall be made from, and to the extent  
26 of, funds appropriated by the General Assembly for such purposes  
27 and shall be made in accordance with rules and regulations  
28 promulgated or amended by the Environmental Quality Board.

29 (b) Limitation.--The grants shall equal 75% of the allowable  
30 costs under this act.

1 (c) State grants.--For purposes of this section, State  
2 grants shall be in addition to grants for similar purposes made  
3 to any county or authority by the Federal Government, or other  
4 sources, provided that the grants authorized by this section  
5 shall be limited such that the total of all State grants does  
6 not exceed 75% of allowable costs under this act.

7 (d) Applicability.--Nothing in this section shall be  
8 construed to impair or limit application of this act to any  
9 municipality, county, water resources management authority or  
10 person or to relieve any municipality, county, water resources  
11 management authority or person of duties imposed under this act.

12 (e) Report by department.--If, in any fiscal year,  
13 appropriations are insufficient to cover the costs of grants and  
14 reimbursement to all municipalities, counties and water  
15 resources management authorities eligible for grants and  
16 reimbursements in that fiscal year, the department shall report  
17 that fact to the General Assembly and shall request  
18 appropriation of funds necessary to provide the grants and  
19 reimbursements authorized under this section. If a deficiency  
20 appropriation is not enacted, any municipality, county or water  
21 resources management authority which has not received the full  
22 amount of the grant or reimbursement for which it is eligible  
23 under this section shall be, as a first priority, reimbursed  
24 from appropriations made in the next successive fiscal year.

25 (f) Reimbursement of expenses.--Municipalities located in  
26 watershed-based planning areas for which comprehensive storm  
27 water management or integrated water resources management plans  
28 have been prepared or updated and adopted by counties and  
29 approved by the department shall be eligible for annual  
30 reimbursement equal to 75% of net expenses incurred in the

1 adoption or revision of ordinances or regulations and other  
2 actual administrative, enforcement and implementation costs  
3 incurred in complying with this act and the applicable approved  
4 plans for the first five years after adoption of plans and  
5 approval by the department.

6 (g) Supplements.--Notwithstanding the grant and  
7 reimbursement limitations in subsections (a) and (f), where  
8 implementation and maintenance of the plans and other  
9 requirements of this act cannot be sustained by funding  
10 generated by water resource authorities, the Commonwealth may  
11 supplement funding through payments not to exceed 75% of  
12 allowable costs.

13 Section 609. Waiver of use of grant and loan funds.

14 A municipality, county or authority receiving grants or loans  
15 from the Commonwealth or its agencies for the construction or  
16 repair of any storm water BMP or flood control projects where  
17 the Commonwealth's funds are restricted from paying for the  
18 acquisition of property, a right-of-way or property removal or  
19 demolition necessary for the completion of a project may receive  
20 a waiver to spend up to 5% of the grant or loan for these  
21 activities upon the approval of the appropriate Commonwealth  
22 agency.

## 23 CHAPTER 7

### 24 MISCELLANEOUS PROVISIONS

25 Section 701. Repeals.

26 (a) Intent.--The General Assembly declares that the repeal  
27 under subsection (b) is necessary to effectuate the addition of  
28 this act.

29 (b) Provision.--Sections 9(b) and 14(b) of the act of  
30 October 4, 1978 (P.L.864, No.167), known as the Storm Water

1 Management Act, are repealed.

2 (c) General.--All other acts and parts of acts are repealed  
3 insofar as they are inconsistent with this act.

4 Section 702. Effective date.

5 This act shall take effect in 60 days.