## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1374 Session of 2015

INTRODUCED BY KILLION, ALLOWAY, McILHINNEY, ARGALL, BLAKE, BOSCOLA, McGARRIGLE, MENSCH, SCHWANK, TEPLITZ, VULAKOVICH, YUDICHAK AND GORDNER, SEPTEMBER 28, 2016

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, SEPTEMBER 28, 2016

## AN ACT

Amending Title 27 (Environmental Resources) of the Pennsylvania 1 Consolidated Statutes, in environmental stewardship and 2 watershed protection, further providing for legislative findings and for agencies and establishing duties for the 4 Department of Community and Economic Development, the 5 Pennsylvania Fish and Boat Commission, the Pennsylvania Game 6 Commission and the Pennsylvania Historical and Museum 7 Commission. 8 9 The General Assembly of the Commonwealth of Pennsylvania 10 hereby enacts as follows: Section 1. Sections 6102 and 6105 of Title 27 of the 11 12 Pennsylvania Consolidated Statutes are amended to read: 13 § 6102. Legislative findings. The General Assembly hereby determines, declares and finds as 14 15 follows: 16 Ninety-six percent of the water-quality-impaired 17 watersheds in this Commonwealth are polluted because of 18 nonpoint sources of pollution such as past mining activities, 19 urban and agricultural runoff, atmospheric deposition, on-lot sewage systems and earthmoving. 20

- 1 (2) The Commonwealth continues to have unmet needs in 2 the area of water and sewer infrastructure. New and improved 3 water sources, treatment and distribution systems are 4 necessary for public drinking water supplies.
  - (3) The Commonwealth owns approximately 2.4 million acres of State park and State forest lands and many of these lands suffer from past environmental problems, including unreclaimed mines, acid mine drainage and abandoned oil and gas wells.
  - (4) Open space, greenways, recreational trails, river corridors, fish and wildlife habitats, parks and recreation areas and scenic environments protect the environment, conserve natural resources and add value to communities.
  - (5) State programs and State funding should provide maximum flexibility for elected county and municipal governmental officials to identify, prioritize and address local environmental concerns, including odor abatement problems at sewage treatment plants.]
  - (1) As stated in section 27 of Article I of the Constitution of Pennsylvania:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

(2) The Commonwealth has an obligation to provide

greater investments to conserve land and water resources,

restore damaged waterways and land, and create prosperous and

Τ.	sustainable communities.
2	(3) Clean water is vital:
3	(i) to the continued economic growth of this
4	Commonwealth;
5	(ii) to support tourism, agriculture, industry,
6	power generation and recreation;
7	(iii) for drinking water supplies; and
8	(iv) to protect public health and aquatic life.
9	(4) This Commonwealth has over 26,000 miles of polluted
10	streams and rivers that do not meet Federal and State water
11	quality standards to protect aquatic life and provide
12	swimmable rivers and drinkable water supplies.
13	(5) Nonpoint sources of pollution, such as past mining
14	activities, urban and agricultural runoff, atmospheric
15	deposition, on-lot sewage systems and earthmoving continue to
16	have a significant negative impact on this Commonwealth's
17	<pre>environment.</pre>
18	(6) This Commonwealth continues to have unmet needs in
19	the area of water and sewer infrastructure. New and improved
20	water sources, treatment and distribution systems are
21	necessary for public drinking water supplies.
22	(7) As noted in the Commonwealth's award-winning 2014-
23	2019 Pennsylvania Statewide Comprehensive Outdoor Recreation
24	Plan, our 5,600 local parks and recreation areas are the most
25	frequently visited recreational asset in this Commonwealth,
26	but most face the challenges of limited funding, aging
27	infrastructure, deferred maintenance and limited capacity to
28	carry out programs and services.
29	(8) The Commonwealth owns approximately 2.4 million
30	acres of State park and State forest lands and many of these

- 1 lands suffer from past environmental problems, including
- 2 unreclaimed mines, acid mine drainage and abandoned oil and
- gas wells. Our State park system is also burdened by a
- 4 <u>tremendous backlog in infrastructure and deferred maintenance</u>
- 5 <u>needs, such as dams, roads, bridges, water and wastewater</u>
- 6 <u>treatment facilities, buildings and boat launches.</u>
- 7 (9) Abandoned mines scar 189,000 acres in 44 counties
- 8 and are the cause of more than 5,300 miles of biologically
- 9 <u>dead streams.</u>
- 10 (10) More than 2,000 working farms remain on county
- 11 <u>waiting lists to be preserved for continued agricultural use.</u>
- 12 (11) Open space, greenways, recreational trails, river
- corridors, fish and wildlife habitats, parks and recreation
- 14 <u>areas and scenic environments protect the environment,</u>
- 15 <u>conserve natural resources and add economic and quality of</u>
- life value to communities.
- 17 (12) Investments in urban parks, trails, greenways,
- 18 riverfronts, green infrastructure and other natural assets
- 19 are increasingly understood to be advantageous to local
- 20 economies, attracting and retaining residents and providing
- 21 opportunities to creatively address significant challenges
- 22 <u>such as storm water and flooding.</u>
- 23 (13) State programs and State funding should provide
- 24 maximum flexibility for elected county and municipal
- 25 government officials to identify, prioritize and address
- local environmental concerns.
- 27 § 6105. Agencies.
- 28 (a) The Department of Conservation and Natural Resources. --
- 29 (1) The Department of Conservation and Natural Resources
- 30 shall utilize money it receives from the fund for the

following purposes:

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- (i) To rehabilitate, repair and develop State park and State forest lands and facilities and the acquisition of [interior] lands [within] <u>for</u> State parks and State forests.
- To provide grants to a county or other (ii) municipality, council of governments, conservation districts and authorized organizations for the purpose of planning, education, acquisition, development, rehabilitation and repair of greenways, recreational trails, including connections between trails, open space, natural areas, river corridors and access to riverfronts, watersheds, community [and heritage] parks and recreation facilities; community conservation and beautification projects; forest conservation[;], including conservation of forested riparian buffers; heritage areas and other conservation and recreation purposes. Grants under this paragraph may not be used by an authorized organization for land acquisition unless the authorized organization obtains the approval of all counties in which the land is situated. Grant moneys may also be used for the acquisition of farmland for the purposes set forth in this paragraph.
- (iii) To provide grants to a county or other municipality and authorized organizations for the purpose of research, planning, inventories and technical assistance intended to protect and conserve the biological diversity of this Commonwealth.
- (iv) To provide funding to the Wild Resource
   Conservation Fund for the purposes and programs set forth

1	in section 6108(b) (relating to Wild Resource
2	Conservation Fund and duties of Department of
3	Conservation and Natural Resources).
4	(v) To provide funding for the Heritage Areas
5	Program established under Article XVI-J of the act of
6	April 9, 1929 (P.L.343, No.176), known as The Fiscal
7	Code.
8	(2) The Department of Conservation and Natural Resources
9	may require matching funds as a condition of the award of a
L 0	grant under this subsection.
1	(b) The Department of Environmental Protection
_2	(1) The Department of Environmental Protection shall
_3	utilize money it receives from the fund for the following
_4	purposes:
_5	(i) To implement acid mine drainage abatement and
- 6	cleanup efforts, abandoned mine land cleanup efforts and
_7	plug abandoned and orphan oil and gas wells.
-8	(ii) To provide funding for technical assistance and
_9	financial incentives to facilitate remining.
20	(iii) To provide grants to a county or other
21	municipality, council of governments, county conservation
22	districts, watershed organizations and other authorized
23	organizations for acid mine drainage abatement, mine
24	cleanup efforts and well plugging.
25	(iv) To provide grants and technical assistance to a
26	county or other municipality, council of governments,
27	county conservation districts, watershed organizations
28	and other authorized organizations to plan and implement
29	local watershed-based conservation efforts.
30	(v) To improve water-quality-impaired watersheds,

1	including those polluted by past mining activities,
2	agricultural and urban runoff, atmospheric deposition,
3	on-lot sewage systems and earthmoving activities.
4	(vii) For watershed protection.
5	(viii) For grants to characterize, remediate or
6	eliminate environmental hazards at abandoned industrial
7	properties.
8	(ix) For nonstructural floodplain management and
9	mitigation measures to minimize flood damage, reclaim and
10	restore the quality of floodplains, remove obstacles and
11	improve the natural functions of stream channels.
12	(x) For grants to municipalities and municipal
13	authorities to design and build projects and implement
14	best management practices, with an emphasis on green
15	infrastructure, in order to implement Municipal Separate
16	Storm Sewer System (MS4) plans or which count toward the
17	reductions identified in the Pennsylvania Integrated
18	Water Quality Monitoring and Assessment Report, implement
19	Total Maximum Daily Load Plans or the Chesapeake Bay
20	Total Maximum Daily Load requirements.
21	(xi) To establish, with the cooperation and approval
22	of the authority, a water quality trading market that
23	includes credits for reductions in nutrient, sediment and
24	storm water pollution.
25	(xii) For grants to the Pennsylvania Energy Harvest
26	Program.
27	(2) County conservation districts may further distribute
28	grants received under this section to watershed organizations
29	and other authorized organizations to assist in the
30	implementation of this chapter.

- 1 (3) The Department of Environmental Protection may
  2 require matching funds as a condition of the award of a grant
  3 under this subsection.
- For the period commencing with the effective date of 4 5 this chapter and ending June 30, 2004, the Department of 6 Environmental Protection may utilize up to 10% of the money 7 allocated annually to it under section 6104(d) (relating to 8 fund) to provide grants for safe drinking water projects and 9 wastewater treatment projects. Grants under this paragraph shall be made for the same purposes and shall be subject to 10 the same limitations as grants authorized in section 6110. 11
- 12 (c) Department of Agriculture.--Funds allocated to the
  13 Department of Agriculture under this chapter shall be [deposited
  14 in the] <u>used for the following purposes:</u>
- 15 (1) For counties to preserve farmland through the
  16 Agricultural Conservation Easement Purchase Fund [and are]
  17 subject to the provisions of the act of June 30, 1981
  18 (P.L.128, No.43), known as the Agricultural Area Security
  19 Law.
- 20 (2) For grants to authorized organizations to preserve
  21 farmland through the purchase of agricultural conservation
  22 easements.
- 23 (3) For disbursement to the State Conservation

  24 Commission for the cost of tax credits for eligible

  25 agricultural operations that meet the requirements of the

  26 Resource Enhancement and Protection Tax Credit under Article

  27 XVII-E of the act of March 4, 1971 (P.L.6, No.2), known as

  28 the Tax Reform Code of 1971.
- (4) To provide funding and technical assistance, in
   cooperation with the State Conservation Commission, to assist

- 1 the owners of farms and other properties in improving the
- 2 quality of the soil, water and air through the installation
- 3 <u>and maintenance of best management practices.</u>
- 4 (5) To encourage new farmers and enhance their access to
- 5 <u>farmland and capital through a low-interest loan program</u>
- 6 <u>administered by the Department of Agriculture.</u>
- 7 (d) The authority. -- The authority shall utilize money it
- 8 receives from the fund to provide financial assistance in the
- 9 form of grants and matching grants for storm water, water and
- 10 sewer infrastructure projects, including construction or
- 11 rehabilitation of collection and conveyance systems. The
- 12 authority shall develop criteria to be used to award grants
- 13 under this subsection. The criteria and proposed changes thereto
- 14 shall be submitted to the Environmental Resources and Energy
- 15 Committee of the Senate and the Environmental Resources and
- 16 Energy Committee of the House of Representatives for review and
- 17 comment. The committees shall have 60 days to submit comments to
- 18 the authority. Criteria shall be reviewed by the authority and
- 19 the committees at least once every three years.
- 20 (d.1) Department of Community and Economic Development. -- The
- 21 <u>Department of Community and Economic Development shall utilize</u>
- 22 money it receives from the fund for the following purposes:
- 23 (1) For grants to support community planning efforts.
- (2) For grants to support the greening of urban
- communities, including, but not limited to, bicycle and
- 26 pedestrian trails, greenways, downtown parks, community
- gardens, retrofits of significant community buildings,
- 28 <u>streetscape improvements and renewable energy projects. The</u>
- 29 <u>grants shall have a demonstrable environmental or</u>
- 30 conservation benefit. The Department of Community and

- 1 Economic Development shall consult with the Department of
- 2 Environmental Protection and the Department of Conservation
- and Natural Resources on the recommendations of projects to
- 4 be funded.
- 5 (d.2) Pennsylvania Fish and Boat Commission. -- Funds
- 6 allocated to the Pennsylvania Fish and Boat Commission under
- 7 this chapter shall be used for the following purposes:
- 8 (1) Improvements to public access areas owned by the
- 9 <u>commission or grants to municipalities or organizations for</u>
- 10 the purpose of improving public access to the waters of this
- 11 Commonwealth.
- 12 (2) Maintenance and rehabilitation of dams located at
- 13 <u>lakes owned by the commission, including the installation of</u>
- 14 <u>habitat enhancements and improved public access while lakes</u>
- 15 are drawn down for dam repairs.
- 16 (3) Upgrades and improvements to State fish hatcheries
- to maintain and improve water quality.
- 18 (4) Grants to organizations that participate in the
- 19 Cooperative Nursery Program.
- 20 (5) Projects to improve fish habitat, including, but not
- 21 limited to, instream fish habitat, riparian buffers, fish
- 22 passages and the removal of small dams.
- 23 (d.3) Pennsylvania Game Commission.--Funds allocated to the
- 24 Pennsylvania Game Commission under this chapter shall be used
- 25 for the following purposes:
- 26 (1) To rehabilitate water control structures on State
- 27 game lands in order to improve wetland habitat and water\_
- 28 quality.
- 29 (2) For improvements to facilities on State game lands,
- including, but not limited to, enhanced access for persons

- 1 <u>with disabilities and older persons and the construction of</u>
- 2 two wildlife conservation education centers.
- 3 (d.4) The Pennsylvania Historical and Museum Commission. --
- 4 Funds allocated to the Pennsylvania Historical and Museum
- 5 Commission under this chapter shall be used for an historic
- 6 preservation project grant program for the planning and
- 7 development of publicly accessible historic resources listed in
- 8 or eligible for listing in the National Register of Historic
- 9 <u>Places.</u>
- 10 (e) Administrative expense limitation. -- The departments,
- 11 commissions and the authority may not expend more than 2.5% of
- 12 the moneys received from the fund on administrative expenses.
- 13 The Department of Environmental Protection may not expend more
- 14 than an aggregate of 2.5% of the moneys received from the fund
- 15 and the moneys directed to the Hazardous Sites Cleanup Fund
- 16 pursuant to section 6104(d)(4) and (5) on administrative
- 17 expenses. Grant recipients that receive moneys from the fund for
- 18 the purposes set forth in this section may not expend more than
- 19 5% of the moneys received from the fund on administrative
- 20 expenses.
- 21 (f) Expenditure limitation. -- No moneys made available
- 22 through the fund shall be used for any purpose which, directly
- 23 or indirectly, precludes access to or use of any forested land
- 24 for the practice of sustainable forestry and commercial
- 25 production of timber or other forest products. This subsection
- 26 shall not apply to funds used [by the Department of Conservation
- 27 and Natural Resources, counties or municipalities] for the
- 28 purchase or improvement of park land to be used for public
- 29 recreation.
- 30 (g) Regulations.--The departments, commissions and the

- 1 authority may promulgate regulations necessary to carry out the
- 2 purposes of this chapter.
- 3 Section 2. This act shall be known and may be cited as the
- 4 Growing Greener III Act.
- 5 Section 3. This act shall take effect in 60 days.