

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 196 Session of 2013

INTRODUCED BY WHITE, ALLOWAY, MENSCH, ARGALL, VULAKOVICH, GORDNER, VANCE, YAW, ERICKSON, BAKER, BREWSTER, SCHWANK, WAUGH, SCARNATI, COSTA, BRUBAKER AND CORMAN, JANUARY 17, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, MARCH 18, 2013

AN ACT

1 Amending the act of March 1, 1988 (P.L.82, No.16), entitled "An
2 act providing for the establishment, implementation and
3 administration of the Pennsylvania Infrastructure Investment
4 Authority; imposing powers and duties on a board of trustees;
5 transferring the rights, powers, duties and obligations of
6 the Water Facilities Loan Board to the Pennsylvania
7 Infrastructure Investment Authority; providing for the
8 issuance of notes and bonds; providing for financial
9 assistance and for a comprehensive water facilities plan;
10 authorizing a referendum to incur indebtedness; making an
11 appropriation; and making repeals," further providing for
12 definitions, for financial assistance and for annual report.

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

15 Section 1. The definitions of "department," "project" and
16 "secretary" in section 3 of the act of March 1, 1988 (P.L.82,
17 No.16), known as the Pennsylvania Infrastructure Investment
18 Authority Act, amended July 14, 2005 (P.L.299, No.51), are
19 amended and the section is amended by adding a definition to <--
20 read:

21 Section 3. Definitions.

22 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "Department." The Department of Environmental [Resources]  
5 Protection of the Commonwealth.

6 \* \* \*

7 "Project." The eligible costs associated with the  
8 acquisition, construction, improvement, expansion, extension,  
9 repair, rehabilitation or security measures of all or part of  
10 any facility or system, whether publicly or[, in the case of  
11 paragraph (1) or (2),] privately owned:

12 (1) for the collection, treatment or disposal of  
13 wastewater, including industrial waste;

14 (2) for the supply, treatment, storage or distribution  
15 of drinking water;

16 (3) for the control of ~~point source~~ pollution associated <--  
17 with storm water, which may include, but need not be limited  
18 to, the transport, storage and the infiltration of storm  
19 water; or

20 (4) for the best management practices to address [point  
21 or] nonpoint source] pollution [associated with storm water <--  
22 runoff or any other] INCLUDING innovative techniques <--  
23 DEVELOPED TO COMPLY WITH THE ACT OF JUNE 22, 1937 (P.L.1987, <--  
24 NO.394), KNOWN AS THE CLEAN STREAMS LAW, OR identified in the  
25 county-prepared watershed plans pursuant to the act of  
26 October 4, 1978 (P.L.864, No.167), known as the Storm Water  
27 Management Act] OR as identified in Pennsylvania's Nonpoint <--  
28 Source Management Program Update, as required under section  
29 319(b) of the Federal Water Pollution Control Act (62 Stat.  
30 1155, 33 U.S.C. § 1329(b)).

1 "Secretary." The Secretary of Environmental [Resources]  
2 Protection of the Commonwealth.

3 \* \* \*

4 ~~"Urban runoff." Storm water from areas defined as developed~~ <--  
5 ~~in a county comprehensive plan prepared in accordance with the~~  
6 ~~act of July 31, 1968 (P.L.805, No.247), known as the~~  
7 ~~Pennsylvania Municipalities Planning Code.~~

8 \* \* \*

9 Section 2. Section 10(b.1), (d) and (j) of the act, amended  
10 or added December 16, 1992 (P.L.1137, No.149), are amended AND <--  
11 THE SECTION IS AMENDED BY ADDING A SUBSECTION to read:

12 Section 10. Financial assistance.

13 \* \* \*

14 (b.1) Storm water projects.--

15 (1) [In the case of storm water projects, only a  
16 governmental unit may qualify for financial assistance under  
17 this act] (RESERVED). <--

18 (2) [A storm water project] ~~A storm water project~~ <--  
19 ~~designed to manage urban runoff shall be eligible for funding~~  
20 ~~if:~~ SUBJECT TO PARAGRAPH (4), A STORM WATER PROJECT DESIGNED <--  
21 TO MANAGE STORM WATER RUNOFF SHALL BE ELIGIBLE FOR FUNDING IF  
22 ANY OF THE FOLLOWING ARE APPLICABLE:

23 (i) ~~it~~ THE PROJECT is located within a watershed for <--  
24 which a county has [not] adopted a watershed storm water  
25 management plan and THE MUNICIPALITY HAS ADOPTED <--  
26 ordinances required to implement the plan[, ] as required <--  
27 by the Storm Water Management Act[, ] shall be ineligible  
28 for financial assistance under this act, except that:

29 (i) a storm water project within a watershed which  
30 includes land in more than one county and for which the

1 department has required that a joint plan for the entire  
2 watershed be submitted by the affected counties shall be  
3 ineligible for financial assistance under this act only  
4 if the county in which the project is located is found to  
5 have failed to cooperate in the development of the joint  
6 plan; and

7 (ii) a storm water] OR AS REQUIRED BY THE NATIONAL <--  
8 POLLUTANT DISCHARGE ELIMINATION SYSTEM STORM WATER  
9 PERMITTING REQUIREMENTS;

10 (ii) the project is specifically designed to  
11 maintain and/or improve existing water quality and to  
12 comply with the [National Pollutant Discharge Elimination <--  
13 System (NPDES)] ACT OF JUNE 22, 1937 (P.L.1987, NO.394), <--  
14 KNOWN AS THE CLEAN STREAMS LAW, OR storm water permitting  
15 requirements [shall be eligible for financial support  
16 under this act.

17 This paragraph shall not apply to a]; or

18 (iii) the project is located in a municipality which  
19 has enacted a storm water management ordinance that  
20 requires land owners and any person engaged in the  
21 alteration or development of land to implement measures  
22 to ensure that the maximum rate, VOLUME AND QUALITY of <--  
23 storm water runoff is no greater after the development  
24 than prior to development activities [~~or~~ and to manage <--  
25 the quantity, velocity and direction of resulting storm  
26 water runoff in a manner which otherwise adequately  
27 protects the health and property of residents from  
28 possible injury] as required by the Storm Water <--  
29 Management Act OR THE CLEAN STREAMS LAW. <--

30 [~~(3)~~ (2) A storm water project designed to manage urban <--

1 ~~runoff~~ located within a municipality which is not  
2 implementing ordinances pursuant to a county-prepared and  
3 department-approved watershed plan ~~developed pursuant to the~~ <--  
4 ~~Storm Water Management Act~~ shall be ineligible.] <--

5 ~~(3) A project designed to manage storm water that is not~~ <--  
6 ~~considered urban runoff shall be considered a nonpoint source~~  
7 ~~project and must be consistent with Pennsylvania's Nonpoint~~  
8 ~~Source Management Program Update as required under section~~  
9 ~~319(b) of the Federal Water Pollution Control Act (62 Stat.~~  
10 ~~1155, 33 U.S.C. § 1329(b)).~~

11 (4) A STORM WATER PROJECT TO BE UNDERTAKEN BY AN ENTITY <--  
12 OTHER THAN A MUNICIPALITY SHALL COMPLY WITH ALL OF THE  
13 FOLLOWING:

14 (I) THE PROJECT SHALL BE IN COMPLIANCE WITH  
15 ORDINANCES, POLICIES AND PLANS ADOPTED BY THE  
16 MUNICIPALITY WHERE THE PROJECT IS LOCATED; AND

17 (II) THE PROJECT SHALL BE APPROVED BY OTHER IMPACTED  
18 MUNICIPALITIES AS REQUIRED BY THE BOARD.

19 (B.2) NONPOINT SOURCE MANAGEMENT PROGRAM PROJECTS.--A  
20 PROJECT THAT IS CONSISTENT WITH PENNSYLVANIA'S NONPOINT SOURCE  
21 MANAGEMENT PROGRAM UPDATE, AS REQUIRED UNDER SECTION 319(B) OF  
22 THE FEDERAL WATER POLLUTION CONTROL ACT (62 STAT. 1155, 33  
23 U.S.C. § 1329(B)) THAT HAS A WATER QUALITY BENEFIT AS DETERMINED  
24 BY THE DEPARTMENT, SHALL BE ELIGIBLE FOR FUNDING.

25 \* \* \*

26 (d) Small projects.--

27 (1) The board shall establish a program of assistance to  
28 water supply and sewage disposal systems serving communities  
29 with a population of 12,000 people or less or systems having  
30 hookups of 1,000 or less.

1 (2) The board shall establish a program to financially  
2 assist storm water projects [by] for municipalities with a  
3 population of 12,000 people or less. In addition to other  
4 factors which the board in its discretion may consider in  
5 assigning priorities under this program, preference shall be  
6 given where the ~~the municipality [undertaking] community in~~ <--  
7 which IMPACTED BY the project is located: <--

8 (i) has no natural watercourse within its  
9 boundaries;

10 (ii) relies on methods of storm water control which  
11 do not comply with Federal or State rules, regulations or  
12 standards; or

13 (iii) has been found to be subject to karst sinkhole  
14 development or other geologic condition which poses a  
15 danger to person or property and which may be aggravated  
16 by uncontrolled storm water flows.

17 \* \* \*

18 (j) Continuing education of operators.--No agreement with  
19 individuals or entities shall be valid in the absence of an  
20 agreement by the individuals or entities seeking assistance  
21 under this act to assure that the system operators are  
22 participating or will participate in continuing education  
23 programs developed by the [Department of Environmental  
24 Resources] department. If the board determines that the system  
25 operator of a system receiving assistance is not participating  
26 in continuing education programs, the board shall take all steps  
27 necessary to cease all financial assistance and recover all  
28 prior payments, including, but not limited to, the immediate  
29 repayment of any outstanding loans and interest and any grants.  
30 The provisions of this subsection shall not apply to cases where

1 financial assistance is provided for storm water projects.

2 \* \* \*

3 Section 3. Section 13 of the act is amended to read:

4 Section 13. Annual report.

5 The board shall provide the Governor and the General Assembly  
6 with an annual report detailing all projects funded under  
7 section 10. Each annual report shall be published and maintained  
8 on the authority's publicly accessible Internet website and may  
9 be submitted to the Governor and General Assembly by electronic  
10 mail.

11 Section 4. This act shall take effect immediately.