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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 287 Session of  
2013

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INTRODUCED BY ERICKSON, GREENLEAF, SOLOBAY, HUGHES, RAFFERTY,  
YUDICHAK, FERLO, PILEGGI AND WOZNIAK, JANUARY 24, 2013

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 24, 2013

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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.

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

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14 Section 1302. Effective date.

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

17 CHAPTER 1

18 GENERAL PROVISIONS

19 Section 101. Short title.

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

22 Section 102. Legislative findings.

23 The General Assembly finds that:

24 (1) Inadequate management of storm water runoff and the  
25 insufficient planning, coordination and integration of  
26 regulatory programs associated with water resources  
27 management activities cause increased flood flows and  
28 velocities, contribute to accelerated erosion and  
29 sedimentation, overtax the carrying capacity of streams and  
30 storm sewers, greatly increase the cost of public facilities

1 to carry and control storm water and wastewater, undermine  
2 flood plain management and flood control efforts in  
3 downstream communities, reduce groundwater recharge, diminish  
4 the quality and quantity of water supplies and threaten the  
5 environment, public health, safety and 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 to integrate 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 areas from the adverse  
5 effects of fragmented planning related to water resources  
6 protection, water infrastructure, wet weather and wastewater  
7 management, storm water runoff and subsurface drainage.

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

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

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

29 Section 104. Definitions.

30 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 "Best management practices." Activities, facilities,  
4 measures or procedures used to protect, maintain, reclaim and  
5 restore the quantity and quality of waters and uses within this  
6 Commonwealth.

7 "Bonds." The notes, bonds and other evidence of indebtedness  
8 or obligations which are authorized to be issued under section  
9 502.

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

12 "Comprehensive storm water management plan." A storm water  
13 management plan developed in accordance with act of October 4,  
14 1978 (P.L.864, No.167), known as the Storm Water Management Act,  
15 and the requirements of Chapter 5.

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

18 "Department." The Department of Environmental Protection of  
19 the Commonwealth.

20 "Infrastructure." Structural elements, structural and  
21 nonstructural management practices and operating procedures that  
22 support drinking water, wastewater, storm water, floodplain and  
23 other water resources management activities.

24 "Integrated water resources management." Implementation of  
25 multiple statutory and regulatory planning obligations related  
26 to the water resources of this Commonwealth.

27 "Integrated water resources management plan." A plan  
28 containing all of the elements prescribed under the act of  
29 October 4, 1978 (P.L.864, No.167), known as the Storm Water  
30 Management Act, and the additional requirements of Chapters 5

1 and 7 which include proposals for regulating activities and  
2 development that may affect water resources and wastewater  
3 management within the planning area.

4 "Land development." The subdivision of land, or the  
5 improvement of one or more lots, tracts or parcels of land for  
6 any purpose.

7 "Municipalities Planning Code." The act of July 31, 1968  
8 (P.L.805, No.247), known as the Pennsylvania Municipalities  
9 Planning Code.

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

13 "Recharge." The process by which water is absorbed and is  
14 added to the zone of saturation of a groundwater aquifer. The  
15 term includes the quantity of water that is added to the zone of  
16 saturation.

17 "Remedial plan." A plan containing all of the elements  
18 prescribed under section 501, which includes requirements for  
19 assessment and remediation of storm water-related problems.

20 "Storm water." Drainage runoff from the surface of the land  
21 resulting from precipitation or snow or ice melt.

22 "Storm water best management practice" or "Storm water BMP."  
23 Activities, facilities, measures or procedures used to protect,  
24 maintain, reclaim and restore the quantity and quality of waters  
25 and uses within this Commonwealth as approved by the department.  
26 The term includes plans under the act of October 4, 1978  
27 (P.L.864, No.167), known as the Storm Water Management Act, or  
28 other plans, treatment requirements, operating procedures and  
29 practices to manage and control the rate, volume and water  
30 quality of storm water runoff.



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

3 "Storm water management plan." A plan for storm water  
4 management prepared and adopted by a county in accordance with  
5 act of October 4, 1978 (P.L.864, No.167), known as the Storm  
6 Water Management Act.

7 "Submitting agency." A county, counties, multiple  
8 municipalities or a water resources management authority which  
9 elects to develop and submit an integrated water resources  
10 management plan, in accordance with the requirements of section  
11 701(a), to the Department of Environmental Protection for  
12 approval under this act.

13 "Subsurface drainage." Drainage runoff which occurs below  
14 the surface of the ground resulting from precipitation or snow  
15 or ice melt.

16 "Water resources management authority." A body politic and  
17 corporate created under the former act of May 2, 1945 (P.L.382,  
18 No.164), known as the Municipality Authorities Act of 1945, 53  
19 Pa.C.S. Ch. 56 (relating to municipal authorities) or section  
20 501 for the purpose of planning, constructing, operating,  
21 maintaining, managing and regulating storm water or integrated  
22 water resources management structures, practices and activities.

23 "Water resources management planning." Planning based on  
24 watershed areas to protect, maintain, reclaim and restore the  
25 quality and quantity of surface water and groundwater and the  
26 physical, chemical and biological characteristics of bodies of  
27 water from the effects of past and future activities and  
28 development while assuring sustainable supplies of clean water  
29 to meet current and future needs and minimizing the impact of  
30 storm water on public health, safety, property and the

1 environment.

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

4 "Watershed-based planning area." A planning area approved by  
5 the Department of Environmental Protection and based on  
6 watershed boundaries, as well as political boundaries or  
7 geographic considerations, that is the focus of a comprehensive  
8 storm water management plan or integrated water resources plan.

9 CHAPTER 3

10 POWERS AND DUTIES

11 Section 301. Powers and duties of counties.

12 (a) Comprehensive storm water management plan.--A county  
13 shall ensure implementation of a comprehensive storm water  
14 management plan in accordance with section 501. In addition to  
15 any existing powers, and consistent with the requirements of  
16 section 701(a), the county may elect to develop or implement an  
17 integrated water resources management plan in accordance with  
18 Chapter 7.

19 (b) Review and comment.--A county shall review and comment  
20 on the location, design and construction within the watershed-  
21 based planning area of facilities owned or financed, in whole or  
22 in part, by funds from this Commonwealth, including storm water  
23 facilities, water obstructions, flood control projects, highways  
24 and transportation facilities and facilities for the provision  
25 of public utility service, to assure their consistency with the  
26 plans developed pursuant to this act. The county shall review  
27 and take action on such submissions concurrent with the review  
28 period as provided in Article IV of the Municipalities Planning  
29 Code.

30 (c) Inspection.--In accordance with plans developed under

1 this act, a county shall also ensure inspection of water  
2 resources-related facilities, provide for routine operation and  
3 maintenance of water resources management facilities and  
4 construct water resources management facilities.

5 (d) Public comment.--A county shall provide for public  
6 comment on all proposed publicly financed water resources  
7 capital projects undertaken pursuant to the remedial plan  
8 requirements in Chapter 5.

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

18 Section 302. Powers and duties of department and Environmental  
19 Quality Board.

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

22 (1) Coordinate the management of water resources in this  
23 Commonwealth, including the authority to develop guidelines,  
24 processes and certification programs for consulting and  
25 engineering services.

26 (2) Develop processes and procedures for resolving  
27 disputes associated with comprehensive storm water integrated  
28 water resources management planning among county and  
29 municipal planning bodies and government agencies concerning  
30 plan development or implementation.

1           (3) Develop guidelines and policies to implement the  
2 purposes of this act, including specific comprehensive storm  
3 water management plan or integrated water resources  
4 management plan scope and content requirements, model  
5 integrated water resources management plans and model  
6 ordinances. The department may prepare and issue such  
7 guidelines as may be appropriate to assist in the  
8 implementation of this act.

9           (4) Charge reasonable fees associated with the review of  
10 integrated water resources management plans. Such fees shall  
11 reasonably reflect the cost of review.

12           (5) Approve, disapprove or conditionally approve  
13 comprehensive storm water management plans and integrated  
14 water resources management plans.

15           (6) Undertake enforcement as necessary and appropriate  
16 and in accordance with this act.

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

19           (8) Upon request of a county or municipality, provide  
20 technical assistance appropriate to accomplish the purposes  
21 of this act.

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

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

28 Section 303. Powers and duties of municipalities.

29           (a) Implementation of plans.--A municipality or multiple  
30 municipalities shall have the power and duty to implement

1 comprehensive storm water management plans and any applicable  
2 integrated water resources management plan.

3 (b) Plan.--Consistent with the requirements of section  
4 701(a), multiple municipalities may elect to develop an  
5 integrated water resources management plan in accordance with  
6 Chapter 7.

7 (c) Land development and activities.--Municipalities shall  
8 regulate land development and activities consistent with the  
9 most recent applicable approved comprehensive storm water  
10 management plan or integrated water resources management plan  
11 and shall adopt ordinances to implement these plans.

12 (d) Construction.--Nothing in this act shall be construed to  
13 prohibit a municipality or county from enforcing any zoning,  
14 subdivision or land development ordinance which the municipality  
15 or county has adopted that is not in conflict with plans  
16 developed under this act.

17 Section 304. Powers and duties of water resources management  
18 authorities.

19 (a) Plan.--Water resources management authorities shall have  
20 the power and duty to implement and administer comprehensive  
21 storm water management plans when so designated and to implement  
22 and administer integrated water resources management plans when  
23 so designated.

24 (b) Integrated plan.--Consistent with the requirements of  
25 section 701(a), water resources management authorities may elect  
26 to develop an integrated water resources management plan in  
27 accordance with Chapter 7.

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

1 (d) Annual report.--Water resources management authorities  
2 shall provide an annual report of actions and activities to the  
3 department.

4 CHAPTER 5

5 COMPREHENSIVE STORM WATER MANAGEMENT PLANNING

6 Section 501. Comprehensive storm water planning and management  
7 requirements.

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

13 (b) Plans and updates.--Within five years of the effective  
14 date of this section, counties shall prepare or update the plans  
15 developed in accordance with the Storm Water Management Act and,  
16 at a minimum, shall also prepare a remedial plan, which together  
17 shall constitute the comprehensive storm water management plan.  
18 At a minimum, the remedial plan shall include the following:

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

22 (2) Proposed solutions to or remediation of existing  
23 problems which take into account peak rates of storm water  
24 runoff, the volume and velocity of storm water runoff and the  
25 quality of the storm water runoff necessary to prevent  
26 pollution and to protect, maintain, reclaim and restore  
27 waters of this Commonwealth, including:

28 (i) A remediation and retrofit priorities list.

29 (ii) A prioritized schedule for implementation and  
30 completion of the remedial plan.

1           (iii) A design of a rate structure for fees and  
2 assessments to implement the remedial plan.

3           (iv) A designation of the entity responsible for  
4 implementation of the plan and operation and maintenance  
5 of remedial infrastructure: the county, municipalities or  
6 a water resources management authority.

7           (3) Inventory of significant existing storm water  
8 management facilities in the watershed, their engineering  
9 design features, their ownership and maintenance  
10 responsibility and an assessment of their functional  
11 effectiveness.

12           (4) A program for public information, participation and  
13 education.

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

16           (6) Demonstration of or steps to achieve general  
17 consistency with:

18           (i) The applicable comprehensive plans of the  
19 municipality and county enacted under the Municipalities  
20 Planning Code.

21           (ii) Other existing applicable Federal, State,  
22 interstate, regional and county environmental and land  
23 use plans.

24           (iii) Existing applicable watershed storm water  
25 management plans, including minimum standards required by  
26 the Storm Water Management Act.

27           (c) Exception.--Except as provided under this act, the  
28 requirements and procedures in sections 6, 7, 8, 9, 10, 11 and  
29 12 of the Storm Water Management Act shall be followed in  
30 developing the comprehensive storm water management plan under

1 this section. These provisions apply to development and  
2 implementation of the applicable plan and implementing ordinance  
3 and regulation revisions required by this section.

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

11 Section 502. Review and approval or disapproval by department.

12 (a) General rule.--The department may approve or disapprove  
13 comprehensive storm water management plans in whole or in part  
14 or with conditions that the department determines are reasonable  
15 and appropriate.

16 (b) Effect of inaction by department.--Unless the department  
17 approves, conditionally approves or disapproves the  
18 comprehensive storm water management plan within 120 days of  
19 receipt, the plan shall be deemed acceptable as submitted.

20 Section 503. Implementation of comprehensive storm water  
21 management plans.

22 (a) Ordinances.--Within 12 months following adoption and  
23 approval of a comprehensive storm water management plan, each  
24 municipality shall adopt or amend such ordinances and  
25 regulations, including zoning, subdivision and development,  
26 building code and erosion and sedimentation ordinances,  
27 necessary to regulate development and activities and to control  
28 storm water within the municipality in a manner consistent with  
29 the applicable comprehensive storm water management plan,  
30 including the remedial plan to address existing problems, and



1 the provisions of the Storm Water Management Act and this act.

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

5 (c) Infrastructure implementation.--Unless otherwise  
6 specified in a department-approved and department-adopted  
7 comprehensive storm water management plan, infrastructure  
8 improvements under the comprehensive storm water management plan  
9 may be implemented through any of the following:

10 (1) Each municipality will carry out the plan within its  
11 boundaries, either individually or by agreement with another  
12 municipality, county or a joint agency.

13 (2) One or more municipalities in the watershed may  
14 request that the county or counties in the watershed assume  
15 responsibility for implementation of the plan. The county or  
16 counties may assume responsibility for implementation of the  
17 plan and operational authority for the storm water facilities  
18 as provided for in the plan, but only for municipalities that  
19 agree to allow the county or counties to assume  
20 implementation responsibilities.

21 (3) If two-thirds of the municipalities, representing at  
22 least 51% of the population within the watershed, through  
23 adoption of resolutions of their governing bodies, request  
24 that the county or counties in the watershed assume  
25 responsibility for implementation of the plan, then the  
26 county or counties shall meet with the municipalities to  
27 develop a plan of implementation agreeable to the county or  
28 counties.

29 (d) Responsible entity.--Where the responsible entity fails  
30 to timely implement the remedial plan associated with approved

1 and adopted comprehensive storm water management plans, the  
2 county may implement the remedial plan.

3 (e) Development of model ordinances.--Within three years of  
4 the effective date of this section, the department shall develop  
5 a set of model ordinances, including a specific model  
6 comprehensive storm water management ordinance, that can be used  
7 as a guide by municipalities to adopt regulations designed to  
8 implement the applicable comprehensive storm water management  
9 plan.

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

14 (g) Decisions.--The department, other Commonwealth  
15 departments and agencies and county and municipal governments  
16 and agencies shall consider and shall make decisions with  
17 respect to issuance of permits, approvals or grants that are  
18 generally consistent with comprehensive storm water management  
19 plans prepared, adopted and approved under this act.

20 (h) Review and issuance procedures.--The department shall  
21 develop procedures to coordinate the review and issuance of all  
22 department permits, approvals or grants that cover construction,  
23 operation and maintenance of all current and future facilities  
24 that are necessary to implement the comprehensive storm water  
25 management plans, including the designation of a single point of  
26 contact for all department permits or approvals for the  
27 facilities.

28 (i) Construction.--Nothing in this act shall be construed to  
29 relieve a county or municipality from compliance with existing  
30 obligations under the Storm Water Management Act.

1 Section 504. Failure to submit or implement comprehensive storm  
2 water management plan.

3 (a) Actions.-- A municipality or the department may  
4 institute an action in mandamus to compel a county to prepare,  
5 adopt, submit or implement a comprehensive storm water  
6 management plan in accordance with the Storm Water Management  
7 Act and this act.

8 (b) Administrative remedies.--The department may utilize  
9 administrative remedies, including administrative orders, or may  
10 institute an action in mandamus to compel a county to prepare,  
11 adopt, submit or implement a comprehensive storm water  
12 management plan in accordance with the Storm Water Management  
13 Act and this act.

14 (c) Reimbursement.--When action by the municipality or  
15 department is required to compel a county to prepare, adopt,  
16 submit or implement a plan, the department shall not provide  
17 grants or reimbursements to the county for the cost of the plan.

18 (d) Costs and fees.--The costs, attorney fees,  
19 administrative fees and other expenses associated with  
20 proceedings under this section shall be recoverable from the  
21 violator.

22 Section 505. Failure of municipalities to adopt ordinances and  
23 implement plans.

24 (a) Procedure following approval.--Following adoption and  
25 approval of a comprehensive storm water management plan:

26 (1) Any person may institute an action in mandamus to  
27 compel a municipality to adopt implementing ordinances and to  
28 implement a comprehensive storm water management plan and  
29 ordinances in accordance with the Storm Water Management Act  
30 and this act.



1 be developed for individual or multiple watersheds, or upon  
2 department-approved watershed-based planning areas, designated  
3 in accordance with, but not limited to, the following  
4 considerations:

5 (1) Existence of critical water planning areas.

6 (2) Waters listed pursuant to 33 U.S.C. § 1313(d)  
7 (relating to water quality standards and implementation  
8 plans).

9 (3) Flooding history.

10 (4) Special protection watersheds.

11 (5) Current or projected population density.

12 (6) Current or projected rate of development.

13 (7) Percent of impervious cover.

14 (c) Minimum requirements.--Integrated water resources  
15 management plans shall, at a minimum, be consistent with this  
16 act and the following statutes:

17 (1) The Federal Water Pollution Control Act (62 Stat.  
18 1155, 33 U.S.C. § 1251 et seq.).

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

21 (3) The Clean Streams Law.

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

24 (5) The Storm Water Management Act.

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

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

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

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

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

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

7 (12) The Municipalities Planning Code.

8 (13) The Municipality Authorities Act.

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

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

13 (d) Entities.--Entities which elect to undertake integrated  
14 water resources management planning shall do so in accordance  
15 with this act.

16 (e) Compliance.--If an entity elects to undertake integrated  
17 water resources management planning and the plan is approved by  
18 the department in accordance with this act, the entity is deemed  
19 to have satisfied the procedural and substantive planning  
20 requirements of the acts listed in subsection (c) that impose  
21 planning requirements.

22 Section 702. Integrated water resources management planning  
23 process.

24 (a) Boundaries.--Integrated water resource management plans  
25 shall be based upon the boundaries described in plans developed  
26 in accordance with section 701(b), unless an alternate  
27 watershed-based planning area is approved by the department for  
28 good cause shown.

29 (b) Development.--Public participation in the development of  
30 the integrated water resources management plan shall be provided

1 as follows:

2 (1) An integrated water resources management plan  
3 advisory committee, composed of one representative appointed  
4 by the governing body of each municipality in the watershed-  
5 based planning area, the county and any county conservation  
6 district in the planning area watershed, any compact basin  
7 commission in the planning area watershed and other agencies  
8 and groups, as are necessary and proper, shall be established  
9 to advise the submitting agency throughout the process.

10 (2) Prior to adoption, the plan shall be reviewed by the  
11 official planning agency, if one exists, and governing body  
12 of each municipality and county and by each regional planning  
13 agency in the watershed for general consistency with other  
14 plans and programs affecting the watershed-based planning  
15 area. All such reviews and the submitting agency's responses  
16 shall be submitted to the department with the plan at the  
17 time a review of the plan is requested from the department.

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

22 (c) Adoption.--Adoption or amendment by the submitting  
23 agency of the integrated water resources management plan shall  
24 be by resolution of the governing body or bodies of the agency  
25 or agencies identified in subsection (b), which have authorized  
26 development of the plan.

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

28 (1) Prior to adoption or substantive amendment, the  
29 submitting agency shall submit the integrated water resources  
30 management plan to the department for review. The department

1 shall approve or conditionally approve the plan if it  
2 determines that it is generally consistent with the  
3 following:

4 (i) Section 701(c).

5 (ii) All current approved watershed restoration and  
6 protection plans that have been developed in the planning  
7 area.

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

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

12 (v) All current river conservation plans in the  
13 watershed-based planning area that have been approved by  
14 the Department of Conservation and Natural Resources.

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

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

19 (2) Unless the department approves, conditionally  
20 approves or disapproves the integrated water resources  
21 management plan within 120 days of receipt, the plan will be  
22 deemed acceptable as submitted.

23 (3) If the department determines that the proposed  
24 integrated water resources management plan will not meet the  
25 requirements of this act, the department will disapprove the  
26 plan in writing, which writing shall identify the basis for  
27 disapproval.

28 (4) The integrated water resources management planning  
29 area, either based upon the boundaries described in plans  
30 developed in accordance with the Storm Water Management Act



1 or an alternate watershed-based planning area approved by the  
2 department, shall be considered a reasonable geographic area  
3 in a multimunicipal comprehensive plan prepared pursuant to  
4 Article XI of the Municipalities Planning Code as long as the  
5 county or multiple municipalities follow the procedures in  
6 Article XI of the Municipalities Planning Code.

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

14 Section 703. Integrated water resources management plan  
15 requirements.

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

17 (1) The submitting agency may develop an integrated  
18 water resources management plan as described in this section.  
19 If all counties or municipalities in the watershed do not  
20 agree to develop the plan, the plan shall use standards at  
21 the boundaries of the nonparticipating county or  
22 municipalities that are consistent with the integrated water  
23 resources management plan.

24 (2) Federal lands shall be included in the integrated  
25 water resources management plan in consultation with the  
26 United States Department of the Interior.

27 (3) State lands shall be included in the integrated  
28 water resources management plan in consultation with the  
29 appropriate State agency.

30 (4) The integrated water resources management plan shall

1 be generally consistent with comprehensive plans of counties  
2 and municipalities enacted under the Municipalities Planning  
3 Code.

4 (5) A comprehensive plan of a county or a municipality  
5 enacted under the Municipalities Planning Code, after the  
6 effective date of this section, shall be generally consistent  
7 with the integrated water resources management plan approved  
8 under this act that applies to the county or municipality.

9 (6) An integrated water resources management plan  
10 adopted on a multimunicipal basis pursuant to this act shall  
11 constitute the water planning required pursuant to section  
12 301(a)(4) of the Municipalities Planning Code and shall be  
13 considered a plan for the reliable supply of water pursuant  
14 to section 301(b) of the Municipalities Planning Code if it  
15 is a component of a multimunicipal comprehensive plan  
16 prepared pursuant to Article XI of the Municipalities  
17 Planning Code, as long as the county or multiple  
18 municipalities follow the procedures in Article XI of the  
19 Municipalities Planning Code.

20 (b) Plan content.--The integrated water resources management  
21 plan, at a minimum, shall:

22 (1) Coordinate the planning provisions in and  
23 demonstrate consistency with Federal and State statutes and  
24 programs identified in section 701(a).

25 (2) Delineate the approved watershed-based planning area  
26 boundary.

27 (3) Inventory all existing and planned water and  
28 wastewater treatment systems and service areas and all  
29 significant water resources management facilities within the  
30 watershed, their ownership and the parties responsible for

1 their operation and maintenance and provide an assessment of  
2 the functional effectiveness of such systems and facilities.

3 (4) Estimate current and future water demands.

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

9 (6) Identify all environmentally sensitive features of  
10 the watershed, such as wetlands, habitat for rare and  
11 endangered plant and animal species, special protection  
12 waters and karst geology.

13 (7) Identify and consider all current storm water  
14 management and watershed protection and restoration plans  
15 that have been prepared by citizen groups, nonprofit  
16 organizations, conservation districts, county and municipal  
17 governments and Federal, State, interstate or regional  
18 agencies.

19 (8) Identify and describe all existing regionally  
20 significant water quality problems and water resources  
21 management problems within the watershed, including those  
22 caused by domestic or industrial wastewater, nonpoint sources  
23 of pollution, water availability and storm water and  
24 floodplain management problems.

25 (9) Project future land-use changes over a ten-year  
26 period based on population estimates, anticipated  
27 development, planning and zoning requirements, economic  
28 considerations and public infrastructure.

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

1           (11) Identify, evaluate and prioritize management  
2 practices, procedures and other strategies to protect,  
3 maintain, reclaim or restore water quality and water  
4 resources based on existing conditions and projected growth  
5 and land use changes.

6           (12) Identify the entity responsible for operating and  
7 maintaining water quality protection and water resources  
8 management facilities, such as wastewater treatment plants  
9 and community or individual storm water control facilities.

10          (13) Identify and evaluate potential water conservation  
11 and reuse measures.

12          (14) Identify and evaluate source water protection  
13 alternatives.

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

16          (16) Present selected financing methods and priorities.

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

19          (18) Establish a program for public participation,  
20 information and education.

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

23          (20) Provide model ordinances for plan implementation.

24          (c) Additional issues.--The integrated water resources  
25 management plans may also address additional issues, including  
26 the following:

27           (1) Preventing increased flood stages in streams.

28           (2) Controlling the quantity, peak and volume,  
29 direction, rate and velocity of storm water runoff and  
30 subsurface drainage and the quality thereof consistent with

1 State water quality standards.

2 (3) Improving groundwater recharge.

3 (4) Maximizing the opportunities for integration of  
4 water resources management and protection under the existing  
5 laws and regulations.

6 (5) Create water resources management corridors pursuant  
7 to section 705.

8 (6) Support ecologically sustainable water management,  
9 sustainable water supplies, water conservation, surface and  
10 groundwater management, development of resource strategies,  
11 providing for long-term infrastructure investment strategies,  
12 evaluating environmental impacts and options and evaluating  
13 economic impacts and options.

14 Section 704. Implementation of integrated water resources  
15 management plans.

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

20 (1) Adopt or amend ordinances and regulations, including  
21 zoning, subdivision and development, building code, erosion  
22 and sedimentation and storm water ordinances, as are  
23 necessary to regulate development and local activities in a  
24 manner consistent with the applicable approved plan and the  
25 provisions of this act.

26 (2) Implement ordinances and regulations, including  
27 zoning, subdivision and development, building code, erosion  
28 and sedimentation and storm water ordinances, as are  
29 necessary to regulate development and local activities in a  
30 manner consistent with the applicable approved plan and the

1 provisions of this act.

2 (b) Infrastructure implementation.--Infrastructure  
3 improvements under an integrated water resources management plan  
4 may be implemented through any of the following:

5 (1) A municipality will carry out the plan within its  
6 boundaries, either individually or by agreement with another  
7 municipality or county or a joint agency.

8 (2) One or more municipalities in the watershed may  
9 request that the county or counties in the watershed assume  
10 responsibility for implementation of the plan. The county or  
11 counties may assume responsibility for implementation of the  
12 plan and operational authority for the water resources  
13 management facilities provided for in the plan, but only for  
14 municipalities that agree to allow the county or counties to  
15 assume implementation responsibilities.

16 (3) If two-thirds of the municipalities, representing at  
17 least 51% of the population within the watershed, through  
18 adoption of resolutions of their governing bodies, request  
19 that the county or counties in the watershed assume  
20 responsibility for implementation of the plan, then the  
21 county or counties shall meet with the municipalities to  
22 develop a plan of implementation agreeable to the county or  
23 counties.

24 (c) Development of model ordinances.--Within 180 days of the  
25 effective date of this section, the department will develop a  
26 set of model ordinances, including a specific model integrated  
27 water resources management ordinance, that can be used as a  
28 guide by local governments to adopt regulations designed to  
29 implement their integrated water resources management plan.

30 (d) Waiver.--The implementing ordinances and regulations

1 shall not contain a waiver provision except for those waivers  
2 included in the model ordinance in the adopted and approved  
3 integrated water resources management plan.

4 (e) Permits, approvals or grants.--The department, other  
5 Commonwealth departments and agencies and county and municipal  
6 governments and agencies shall consider and shall make decisions  
7 with respect to issuance of permits, approvals or grants that  
8 are generally consistent with integrated water resources  
9 management plans adopted under this act.

10 (f) Review and issuance procedures.--The department shall  
11 develop procedures to coordinate the review and issuance of all  
12 department permits, approvals or grants that cover construction,  
13 operation and maintenance of all current and future facilities  
14 that are necessary to implement the integrated water resources  
15 management plans, including the designation of a single point of  
16 contact for all department permits or approvals for such  
17 facilities.

18 (g) County implementation.--Where the responsible entity  
19 fails to timely implement the approved and adopted integrated  
20 water resources management plan, the county may implement the  
21 approved integrated water resources management plan.

22 Section 705. Water resources management corridors.

23 (a) Additional limitations.--Integrated water resources  
24 management plans may establish water resources management  
25 corridors to provide additional limitations on activities and  
26 development for protection of waters of this Commonwealth, and  
27 in the interest of public health and safety, those designated as  
28 special protection corridors under the department's rules and  
29 regulations, critical riparian areas, wetlands, critical habitat  
30 areas and floodplain management areas.

1 (b) Protection of corridors.--The submitting agency shall  
2 ensure that water resources management corridors are protected  
3 through acquisition, easements, trusts or other appropriate  
4 legal instruments that guarantee forested buffering, building  
5 setbacks and reasonable and appropriate public access.

6 (c) Adjacent watersheds.--Development of integrated water  
7 resources management plans established for adjacent watersheds  
8 which contain water resources management corridors shall be  
9 coordinated by submitting agencies to ensure consistency between  
10 water resources management corridors.

11 Section 706. Failure of municipalities to adopt implementing  
12 ordinances.

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

15 (1) A county or the department may institute an action  
16 in mandamus to compel a municipality to adopt implementing  
17 ordinances and to implement an integrated water resources  
18 management plan and ordinances in accordance with this act.

19 (2) The county or department may utilize administrative  
20 remedies, including administrative orders, or may institute  
21 an action in mandamus to compel a municipality to adopt  
22 ordinances or to implement an integrated water resources  
23 management plan in accordance with this act.

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

29 (b) Costs and fees.--The costs, attorney fees and  
30 administrative fees and other expenses associated with



1 proceedings under this section shall be recoverable from the  
2 violator.

3 CHAPTER 9

4 WATER RESOURCES MANAGEMENT AUTHORITIES

5 Section 901. Water resources management authorities.

6 (a) Authorities.--A county or multiple counties may elect to  
7 create a water resources management authority to undertake  
8 powers and duties as may be delegated by the incorporating  
9 municipality pursuant to this act. If a county or counties have  
10 not provided notice to the department of the intention to create  
11 a water resources management authority, multiple municipalities  
12 located in a county or counties may create a water resources  
13 management authority in accordance with this act, beginning one  
14 year from the effective date of this section.

15 (b) Creation of water resources management authorities.--A  
16 county or multiple counties or multiple municipalities which  
17 have assumed or plan to assume responsibility for the  
18 development, implementation and administration of comprehensive  
19 storm water management plans or an integrated water resources  
20 management plan shall have the right to incorporate as a water  
21 resources management authority pursuant to 53 Pa.C.S. Ch. 56  
22 (relating to municipal authorities) for the purposes set forth  
23 under 53 Pa.C.S. § 5607 (relating to purposes and powers)  
24 relating to projects of the kind and character set forth below:

25 (1) Comprehensive storm water planning, collection,  
26 treatment, remedial plan implementation and infrastructure  
27 management and parts thereof, including regulation, operation  
28 and maintenance, repair, replacement, reconstruction and  
29 expansion pursuant to the Storm Water Management Act and this  
30 act.

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

3           (c) Transfer of authority and obligation to operate and  
4 maintain water resources management best management practices to  
5 water authorities.--Transfer of authority shall be conducted as  
6 follows:

7           (1) The authority and obligation to operate and maintain  
8 water resources management best management practices,  
9 including comprehensive storm water management or integrated  
10 water resources management best management practices on  
11 private lands, may be transferred to the county or water  
12 resources management authority at their discretion. Whether  
13 transferred or not, the operation and maintenance shall be  
14 consistent with the design standards, criteria, schedules and  
15 other requirements established under the comprehensive storm  
16 water management or integrated water resources management  
17 plans.

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

20 Section 902. Additional powers and duties of water resources  
21 management authorities.

22           (a) Exceptions.--Except as provided by this act, the  
23 requirement and procedures in 53 Pa.C.S. § 5607 (relating to  
24 purposes and powers) shall be followed in developing the rates  
25 and fees and the process for assessing and collecting such fees.

26           (b) Fee authorization.--In addition to the authority  
27 provided in 53 Pa.C.S. § 5607, the water resources management  
28 authority may levy a fee on property owners, users or consumers  
29 of the services provided by the authority to pay for all costs  
30 associated with planning, implementation, administration and

1 enforcement under the Storm Water Management Act or this act,  
2 and including the authority to:

3 (1) Fix, alter, charge and collect fees in the area  
4 served by the county and the associated planning area, as  
5 determined exclusively by the county, in order to carry out  
6 the powers and duties authorized under this act, including  
7 preparation of integrated water resources management plans  
8 and their implementation and the acquisition or construction  
9 of storm water or water resources management facilities in  
10 the watershed or watershed-based planning area. The fee may  
11 be based, in whole or in part, as a user or service fee,  
12 special assessment fee, impact fee, bonding or other fee for  
13 services which reflect the implementation of the  
14 comprehensive storm water management plan or integrated water  
15 resources management plan.

16 (2) Collect delinquent fees in accordance with the act  
17 of May 16, 1923 (P.L.207, No.153), referred to as the  
18 Municipal Claim and Tax Lien Law.

19 (3) Borrow money, make and issue negotiable notes,  
20 bonds, refunding bonds and other evidences of indebtedness or  
21 bonds of the agency which may not have a maturity date longer  
22 than 40 years from the date of issue.

23 (4) Secure payment of the bonds or any part thereof by  
24 pledge or deed of trust of all or any of its revenues and  
25 receipts and make agreements with the purchasers or holders  
26 of bonds or with others in connection with any bonds, whether  
27 issued or to be issued.

28 (5) Use any available Federal or State funds, and any  
29 other funds, and set up accounts as necessary to implement  
30 the provisions of this act.

1 (6) Include in the rate or fee structure costs  
2 associated with planning, design, construction and operation  
3 of capital facilities, including the development of  
4 maintenance schedules.

5 (7) Receive impact fees or participation costs and  
6 maintenance bonds or other contributions related to provision  
7 of water resources management services.

8 (c) Reimbursement of implementation and maintenance costs.--  
9 The following shall apply to reimbursement:

10 (1) A county or municipality shall be reimbursed by the  
11 water resources management authority for reasonable costs  
12 that support the comprehensive storm water management plan or  
13 integrated water resources plan implementation,  
14 administration and maintenance under subsection (b) (1) and  
15 (2).

16 (2) Reimbursement shall not include costs related to  
17 sanitary sewage facilities.

18 (3) The water resources management authority shall have  
19 the right to audit the county's or municipalities' costs of  
20 implementation and maintenance for which reimbursement is  
21 sought.

22 (4) Nothing in this section shall be construed to limit  
23 or impair application of this act to any county, municipality  
24 or person, or to relieve any county, municipality or person  
25 of duties required under this act, including preparation and  
26 implementation of plans.

27 (d) Design criteria and standards.--The comprehensive storm  
28 water management plan or integrated water resources management  
29 plan shall identify the design criteria or performance standard  
30 for any storm water management practice implemented under this

1 section, and the county shall have no responsibility to  
2 reimburse the cost of any practice not meeting the design  
3 criteria or performance standard.

4 (e) Maintenance of storm water practices or integrated water  
5 resources management facilities.--Continuing maintenance of  
6 storm water or water resources management practice shall be the  
7 responsibility of the water resources management authority  
8 implementing the practice under subsection (b)(1) and (2) unless  
9 there is specific agreement otherwise between the authority and  
10 the implementing party.

11 (f) Objections.--Any resident, owner of real property or  
12 person in the plan area questioning the rate or fees fixed by  
13 the county, including extensions of service thereof, shall first  
14 raise such objections with the county or the water resources  
15 management authority, as the case may be. After exhausting their  
16 administrative remedies, persons may bring suit against the  
17 water resources management authority or county in the court of  
18 common pleas of the county in which the principal office of the  
19 water resources management authority is located.

## 20 CHAPTER 11

### 21 RIGHTS, REMEDIES, FUNDING AND ENFORCEMENT

22 Section 1101. Duty of persons engaged in development of land.

23 Any landowner and any person engaged in any activity,  
24 alteration or development of land which may affect water  
25 resources or storm water runoff characteristics shall:

26 (1) Manage rate, volume, velocity and quality of runoff  
27 so as to prevent pollution to waters of this Commonwealth as  
28 defined in The Clean Streams Law.

29 (2) Implement such measures consistent with the  
30 provisions of the comprehensive storm water management plan

1 or integrated water resources plan, or both if applicable, as  
2 are reasonably necessary to protect, maintain, reclaim and  
3 restore waters of this Commonwealth and to prevent injury to  
4 health, safety or other property.

5 Section 1102. Funding and imposing fees on tax-exempt property.

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

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

12 (1) Property owned by a political subdivision, county or  
13 municipality.

14 (2) Property owned by an authority.

15 Section 1103. Entry upon land for surveys and examinations.

16 (a) Representatives.--Designated representatives of the  
17 Commonwealth or a county, municipality or authority, upon  
18 serving a reasonable notice and with the authorization of the  
19 landowner or occupier, may enter upon lands in the plan area to  
20 make surveys and examinations to accomplish the planning  
21 purposes of this act.

22 (b) Inspections.--The department may conduct inspections,  
23 tests or samplings or examine books, papers and records  
24 pertinent to any matter under investigation pursuant to this act  
25 as it deems necessary to determine compliance with this act,  
26 and, for this purpose, the duly authorized agents and employees  
27 of the department are authorized at all reasonable times to  
28 enter and examine any property, facility, operation or activity.

29 (c) Agents and employees.--The owner, operator or other  
30 person in charge of property, facility, operation or activity,

1 upon presentation of proper identification and purpose for  
2 inspection by the agents or employees of the department, shall  
3 give agents and employees free and unrestricted entry and  
4 access, and, upon refusal to grant entry or access, the agent or  
5 employee may obtain a search warrant or other suitable order  
6 authorizing entry and inspection. It shall be sufficient  
7 probable cause to issue a search warrant authorizing examination  
8 and inspection if there is probable cause to believe that the  
9 object of the investigation is subject to regulation under this  
10 act and access, examination or inspection is necessary to  
11 enforce the provisions of this act.

12 Section 1104. Preservation of existing rights and remedies.

13 The taking of any action under the provisions of this act  
14 shall not be construed as estopping the Commonwealth or any  
15 county, municipality or aggrieved person from proceeding in  
16 courts of law or equity to abate nuisances under existing law or  
17 to restrain, at law or in equity, a violation of this act.

18 Section 1105. Civil remedies.

19 (a) Public nuisance.--Any activity conducted in violation of  
20 the provisions of this act or of any comprehensive storm water  
21 management plan or integrated water resources management plan or  
22 regulations or ordinances adopted under this act is hereby  
23 declared a public nuisance.

24 (b) Actions.--

25 (1) Suits to restrain, prevent or abate violations of  
26 this act or of any comprehensive storm water management plan,  
27 integrated water resources management plan, regulations or  
28 ordinances adopted under this act may be instituted in equity  
29 or at law by the department, any affected county or  
30 municipality or any aggrieved person in any court of

1 competent jurisdiction.

2 (2) Except in cases of emergency where, in the opinion  
3 of the court, the circumstances of the case require immediate  
4 abatement of the unlawful conduct, the court may, in its  
5 decree, fix a reasonable time during which the person  
6 responsible for the unlawful conduct shall correct or abate  
7 the conduct.

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

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

15 Section 1106. Administrative procedure and judicial review.

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

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

25 Section 1107. Integrated Water Resources Management Account.

26 All fees collected by the department under this act shall be  
27 paid into the State Treasury into a special restricted receipt  
28 account in the General Fund, known as the Integrated Water  
29 Resources Management Account, which shall be administered by the  
30 department to implement the purposes of this act and which funds



1 are hereby appropriated to the Department of Environmental  
2 Protection for such purposes.

3 Section 1108. Grants and reimbursements.

4 (a) Grants.--The department may administer grants to  
5 counties and water resources management authorities to assist or  
6 reimburse the counties and the water resources management  
7 authorities for allowable costs in preparing comprehensive storm  
8 water management plans and integrated water resources management  
9 plans under this act. Grants and reimbursements shall be made  
10 from, and to the extent of, funds appropriated by the General  
11 Assembly for such purposes and shall be made in accordance with  
12 rules and regulations promulgated by the Environmental Quality  
13 Board no later than two years from the effective date of this  
14 section.

15 (b) Limitation.--The grants shall not exceed 75% of the  
16 allowable costs for the preparation of a comprehensive storm  
17 water management plan or integrated water resources management  
18 plan under this act incurred by any county or authority.

19 (c) State grants.--For purposes of this section, State  
20 grants shall be in addition to grants for similar purposes made  
21 to any county or authority by the Federal Government, provided  
22 that the grants authorized by this section shall be limited such  
23 that the total of all Federal and State grants does not exceed  
24 75% of the allowable costs incurred by the county or water  
25 resources management authority.

26 (d) Applicability.--Nothing in this section shall be  
27 construed to impair or limit application of this act to any  
28 municipality, county, water resources management authority or  
29 person or to relieve any municipality, county, water resources  
30 management authority or person of duties imposed under this act.

1 (e) Report by department.--If, in any fiscal year,  
2 appropriations are insufficient to cover the costs or grants and  
3 reimbursement to all municipalities, counties and water  
4 resources management authorities eligible for grants and  
5 reimbursements in that fiscal year, the department shall report  
6 that fact to the General Assembly and shall request  
7 appropriation of funds necessary to provide the grants and  
8 reimbursements authorized under this section. If a deficiency  
9 appropriation is not enacted, any municipality, county or water  
10 resources management authority which has not received the full  
11 amount of the grant or reimbursement for which it is eligible  
12 under this section shall be, as a first priority, reimbursed  
13 from appropriations made in the next successive fiscal year.

14 (f) Reimbursement of expenses.--Municipalities located in  
15 watershed-based planning areas for which storm water management  
16 or integrated water resources plans have been prepared and  
17 adopted by counties and approved by the department shall be  
18 eligible annually for reimbursement for net expenses incurred in  
19 the adoption or revision of ordinances or regulations and other  
20 actual administrative, enforcement and implementation costs  
21 incurred in complying with this act and the applicable approved  
22 plan.

23 Section 1109. Waiver of use of grant and loan funds.

24 A municipality, county or authority receiving grants or loans  
25 from the Commonwealth or its agencies for the construction or  
26 repair of any storm water BMP or flood control projects where  
27 the Commonwealth's funds are restricted from paying for the  
28 acquisition of property, a right-of-way or property removal or  
29 demolition necessary for the completion of a project may receive  
30 a waiver to spend up to 5% of the grant or loan for these

1 activities upon the approval of the appropriate Commonwealth  
2 agency.

3 CHAPTER 13

4 MISCELLANEOUS PROVISIONS

5 Section 1301. Repeals.

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

9 (b) Provision.--Sections 9(b) and 14(b) of the act of  
10 October 4, 1978 (P.L.864, No.167), known as the Storm Water  
11 Management Act, are repealed.

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

14 Section 1302. Effective date.

15 This act shall take effect in 60 days.