

AMENDMENTS TO SENATE BILL NO. 799

Sponsor: SENATOR KILLION

Printer's No. 1258

1 Amend Bill, page 1, lines 1 through 3, by striking out all of
2 said lines and inserting

3 Amending Title 27 (Environmental Resources) of the Pennsylvania
4 Consolidated Statutes, in environmental stewardship and
5 watershed protection, further providing for legislative
6 findings, for the Environmental Stewardship Fund and for
7 agencies; establishing the Pennsylvania Clean Water
8 Procurement Program and the Watershed Innovation and
9 Improvement Fund.

10 Amend Bill, page 1, lines 6 through 18; pages 2 through 6,
11 lines 1 through 30; page 7, lines 1 through 6; by striking out
12 all of said lines on said pages and inserting

13 Section 1. Section 6102 of Title 27 of the Pennsylvania
14 Consolidated Statutes is amended to read:
15 § 6102. Legislative findings.

16 The General Assembly hereby determines, declares and finds as
17 follows:

18 [(1) Ninety-six percent of the water-quality-impaired
19 watersheds in this Commonwealth are polluted because of
20 nonpoint sources of pollution such as past mining activities,
21 urban and agricultural runoff, atmospheric deposition, on-lot
22 sewage systems and earthmoving.

23 (2) The Commonwealth continues to have unmet needs in
24 the area of water and sewer infrastructure. New and improved
25 water sources, treatment and distribution systems are
26 necessary for public drinking water supplies.

27 (3) The Commonwealth owns approximately 2.4 million
28 acres of State park and State forest lands and many of these
29 lands suffer from past environmental problems, including
30 unreclaimed mines, acid mine drainage and abandoned oil and
31 gas wells.

32 (4) Open space, greenways, recreational trails, river
33 corridors, fish and wildlife habitats, parks and recreation
34 areas and scenic environments protect the environment,
35 conserve natural resources and add value to communities.

1 (5) State programs and State funding should provide
2 maximum flexibility for elected county and municipal
3 governmental officials to identify, prioritize and address
4 local environmental concerns, including odor abatement
5 problems at sewage treatment plants.]

6 (1) As stated in section 27 of Article I of the
7 Constitution of Pennsylvania:

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

15 (2) The Commonwealth has an obligation to provide
16 greater investments to conserve land and water resources,
17 restore damaged waterways and land and to create prosperous
18 and sustainable communities.

19 (3) Clean water is vital:

20 (i) to the continued economic growth of this
21 Commonwealth;

22 (ii) to support tourism, agriculture, industry,
23 power generation and recreation;

24 (iii) for drinking water supplies; and

25 (iv) to protect public health and aquatic life.

26 (4) This Commonwealth has over 19,000 miles of streams
27 and rivers that do not meet Federal and State water quality
28 standards to protect aquatic life and provide swimmable
29 rivers and drinkable water supplies.

30 (5) Nonpoint sources of pollution continue to have a
31 negative impact on this Commonwealth's environment.

32 (6) This Commonwealth continues to have water and sewer
33 infrastructure needs. New and improved water sources,
34 treatment and distribution systems are necessary for public
35 drinking water supplies.

36 (7) As noted in the Commonwealth's award-winning 2014-
37 2019 Pennsylvania Statewide Comprehensive Outdoor Recreation
38 Plan, our 5,600 local parks and recreation areas are the most
39 frequently visited recreational assets in this Commonwealth,
40 and most need additional funding to address aging
41 infrastructure, deferred maintenance and capacity to carry
42 out programs and services.

43 (8) The Commonwealth owns approximately 2.5 million
44 acres of State park and State forest lands. Our State park
45 system has estimated many of these parks have environmental
46 projects and infrastructure and deferred maintenance needs,
47 such as dams, roads, bridges, water and wastewater treatment
48 facilities, buildings and boat launches.

49 (9) Conservation of public and private forest lands is a
50 cost-effective method for protecting water quality. Forest
51 lands function as a reserve of clean water for this

1 Commonwealth, including municipalities that rely on public
2 water supplies drawn from water resources on public and
3 private forested properties. Forest lands act as groundwater
4 recharge areas, protect surface water quality, reduce soil
5 erosion, enhance fish and wildlife habitats and provide
6 opportunities for fishing, boating, hunting and trapping.

7 (10) Abandoned mines remain across 189,000 acres in 43
8 counties and are the cause of more than 5,500 miles of
9 biologically compromised streams.

10 (11) More than 2,000 working farms remain on county
11 waiting lists to be preserved for continued agricultural use.

12 (12) Open space, greenways, recreational trails, river
13 corridors, fish and wildlife habitats, parks and recreation
14 areas and scenic areas protect the environment, conserve
15 natural resources and add quality of life value that attracts
16 jobs, are essential to Pennsylvania's outdoor recreation and
17 tourism industries and improve public health.

18 (13) Investments in urban parks, trails, greenways,
19 riverfronts, green infrastructure and other natural assets
20 are increasingly understood to be advantageous to local
21 economies, attracting and retaining residents and providing
22 opportunities to creatively address significant challenges
23 such as storm water and flooding.

24 (14) State programs and State funding should provide
25 opportunity and flexibility for elected county and municipal
26 government officials and authorized organizations to
27 identify, prioritize and address local environmental
28 concerns.

29 Section 2. Section 6104(d)(6) of Title 27 is amended and the
30 subsection is amended by adding a paragraph to read:

31 § 6104. Fund.

32 * * *

33 (d) Allocation.-- The money appropriated in subsection (c)
34 shall be allocated annually as follows:

35 * * *

36 (6) For fiscal year 2007-2008 [and each year thereafter]
37 through 2016-2017, moneys in the fund shall be allocated in
38 accordance with paragraph (2).

39 (7) For fiscal year 2017-2018 and each fiscal year
40 thereafter, moneys in the fund shall be allocated as follows:

41 (i) Twenty-eight and nine-tenths percent to the
42 Department of Conservation and Natural Resources, which
43 shall use the allocation as follows:

44 (A) At least 50% for grants for projects of
45 which the recipient is a county or other
46 municipality, council of governments, conservation
47 district or authorized organization.

48 (B) At least 10% for land trust projects.

49 (C) At least 4.5% for the Heritage Areas
50 Program.

51 (D) For fiscal year 2017-2018 through 2022-2023,

1 at least 30% for projects and programs located within
2 the watershed of the Susquehanna River and its
3 tributaries.

4 (ii) Thirty-eight and two-tenths percent to the
5 Department of Environmental Protection which for fiscal
6 year 2017-2018 through 2022-2023, shall use at least 40%
7 of the allocation for projects and programs within the
8 watershed of the Susquehanna River and its tributaries.

9 (iii) Nineteen and seven-tenths percent to the
10 Department of Agriculture, which shall use the allocation
11 as follows:

12 (A) At least 12% for grants to authorized
13 organizations to preserve farmland.

14 (B) For fiscal year 2017-2018 through 2022-2023,
15 at least 40% for projects and programs located within
16 the watershed of the Susquehanna River and its
17 tributaries.

18 (iv) Four and six-tenths percent to the authority
19 which for fiscal years 2017-2018 through 2022-2023, shall
20 use at least 40% of the allocation for projects and
21 programs located within the watershed of the Susquehanna
22 River and its tributaries.

23 (v) Three and six-tenths percent to the Department
24 of Community and Economic Development.

25 (vi) Two and six-tenths percent to the Pennsylvania
26 Fish and Boat Commission.

27 (vii) One and three-tenths percent to the
28 Pennsylvania Game Commission.

29 (viii) One and one-tenth percent to the Pennsylvania
30 Historical and Museum Commission.

31 * * *

32 Section 3. Section 6105 of Title 27 is amended to read:

33 § 6105. Agencies.

34 (a) The Department of Conservation and Natural Resources.--

35 (1) The Department of Conservation and Natural Resources
36 shall utilize money it receives from the fund for the
37 following purposes:

38 (i) To rehabilitate, repair and develop State park
39 and State forest lands and facilities and the acquisition
40 of [interior] lands [within] for State parks and State
41 forests.

42 (ii) To provide grants to a county or other
43 municipality, council of governments, conservation
44 districts and authorized organizations for the purpose of
45 planning, education, acquisition, development,
46 rehabilitation and repair of greenways, recreational
47 trails, including connections between trails, open space,
48 natural areas, river corridors and access to riverfronts,
49 watersheds, community [and heritage] parks and recreation
50 facilities; community conservation and beautification
51 projects; forest conservation[;], including conservation

1 of forested riparian buffers; heritage areas; and other
2 conservation and recreation purposes. Grants under this
3 paragraph may not be used by an authorized organization
4 for land acquisition unless the authorized organization
5 obtains the approval of all counties in which the land is
6 situated. Grant moneys may also be used for the
7 acquisition of farmland for the purposes set forth in
8 this paragraph.

9 (iii) To provide grants to a county or other
10 municipality and authorized organizations for the purpose
11 of research, planning, inventories and technical
12 assistance intended to protect and conserve the
13 biological diversity of this Commonwealth.

14 (iv) To support forest conservation easements,
15 including funding for a working forest conservation
16 easement initiative to preserve the availability of
17 privately owned forest land for sustainable, commercial
18 timbering and other forest-dependent economic uses.

19 (v) To provide funding to the Wild Resource
20 Conservation Fund for the conservation of nongame
21 wildlife and native wild flora and their habitats, to
22 conduct and support research to preserve this
23 Commonwealth's biodiversity and to educate the public on
24 the value of conserving these species and their habitats.

25 (vi) To provide funding for the Heritage Areas
26 Program established under Article XVI-J of the act of
27 April 9, 1929 (P.L.343, No.176), known as The Fiscal
28 Code.

29 (2) The Department of Conservation and Natural Resources
30 may require matching funds as a condition of the award of a
31 grant under this subsection.

32 (b) The Department of Environmental Protection.--

33 (1) The Department of Environmental Protection shall
34 utilize money it receives from the fund for the following
35 purposes:

36 (i) To implement acid mine drainage abatement and
37 cleanup efforts and abandoned mine land cleanup efforts
38 and plug abandoned and orphan oil and gas wells.

39 (ii) To provide funding for technical assistance and
40 financial incentives to facilitate remining.

41 (iii) To provide grants to a county or other
42 municipality, council of governments, county conservation
43 districts, watershed organizations and other authorized
44 organizations for acid mine drainage abatement and
45 cleanup, mine and mine land cleanup efforts and well
46 plugging.

47 (iv) To provide grants and technical assistance to a
48 county or other municipality, council of governments,
49 county conservation districts, watershed organizations
50 and other authorized organizations to plan and implement
51 local watershed-based conservation efforts.

1 (v) To improve water-quality-impaired watersheds,
2 including those polluted by past mining activities,
3 agricultural and urban runoff, atmospheric deposition,
4 on-lot sewage systems and earthmoving activities.

5 (vii) For watershed protection.

6 (viii) For the reduction of nonpoint source
7 pollution and protection of local drinking water supplies
8 through grants to watershed organizations and other
9 authorized organizations, the creation of forested and
10 other vegetative stream buffers and watershed restoration
11 efforts, including, but not limited to, reducing runoff
12 from agriculture, construction, waste disposal and
13 abandoned mine and mine land sites.

14 (ix) For grants to characterize, remediate or
15 eliminate environmental hazards at abandoned industrial
16 properties or brownfields and to promote economic
17 development by facilitating the return of these
18 properties to productive use.

19 (x) For nonstructural floodplain management and
20 mitigation measures to minimize flood damage, reclaim and
21 restore the quality of floodplains, remove obstacles and
22 improve the natural functions of stream channels.

23 (xi) For grants to municipalities and municipal
24 authorities to design and build projects and implement
25 best management practices, with an emphasis on green
26 infrastructure, in order to implement municipal separate
27 storm sewer system plans or which count toward the
28 reductions identified in the Pennsylvania integrated
29 water quality monitoring and assessment report, implement
30 total maximum daily load plans or the Chesapeake Bay
31 total maximum daily load requirements.

32 (xii) For the Pennsylvania Energy Harvest Program
33 for the purpose of providing grants to owner of farms and
34 small businesses for renewable energy systems, including,
35 but not limited to, solar, wind and methane digester
36 technologies.

37 (xiii) For funding to participating county
38 conservation districts to assist the owners of farms and
39 other properties in protecting local water quality and
40 improving the soil, water and air through the
41 installation and maintenance of best maintenance
42 practices.

43 (2) County conservation districts may further distribute
44 grants received under this section to watershed organizations
45 and other authorized organizations to assist in the
46 implementation of this chapter.

47 (3) The Department of Environmental Protection may
48 require matching funds as a condition of the award of a grant
49 under this subsection.

50 (4) For the period commencing with the effective date of
51 this chapter and ending June 30, 2004, the Department of

1 Environmental Protection may utilize up to 10% of the money
2 allocated annually to it under section 6104(d) (relating to
3 fund) to provide grants for safe drinking water projects and
4 wastewater treatment projects. Grants under this paragraph
5 shall be made for the same purposes and shall be subject to
6 the same limitations as grants authorized in section 6110.

7 (c) Department of Agriculture.--Funds allocated to the
8 Department of Agriculture under this chapter shall be [deposited
9 in the] used for the following purposes:

10 (1) For counties to preserve farmland through the
11 Agricultural Conservation Easement Purchase Fund [and are]
12 subject to the provisions of the act of June 30, 1981
13 (P.L.128, No.43), known as the Agricultural Area Security
14 Law.

15 (2) For grants to authorized organizations to preserve
16 farmland through the acquisition of conservation easements
17 conforming with section 170(h) of the Internal Revenue Code
18 of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)).

19 (3) For disbursement to the State Conservation
20 Commission for the cost of tax credits for eligible
21 agricultural operations that implement the best management
22 practices and meet the requirements of the Resource
23 Enhancement and Protection Tax Credit under Article XVII-E of
24 the act of March 4, 1971 (P.L.6, No.2), known as the Tax
25 Reform Code of 1971.

26 (4) To provide funding and technical assistance, in
27 cooperation with the State Conservation Commission, to assist
28 the owners of farms and other properties in protecting local
29 water quality and in improving the quality of the soil, water
30 and air through the installation and maintenance of best
31 management practices. Fifty percent of the funding
32 distributed under this paragraph shall be provided to
33 participating county conservation districts.

34 (5) To encourage new farmers and assure the viability of
35 preserved farms by creating financial incentives and
36 enhancing access to farmland and capital through a low-
37 interest loan program administered by the Department of
38 Agriculture.

39 (d) The authority.--The authority shall utilize money it
40 receives from the fund to provide financial assistance in the
41 form of grants and matching grants for storm water, water and
42 sewer infrastructure projects, including construction or
43 rehabilitation of collection and conveyance systems. The
44 authority shall develop criteria to be used to award grants
45 under this subsection. The criteria and proposed changes thereto
46 shall be submitted to the Environmental Resources and Energy
47 Committee of the Senate and the Environmental Resources and
48 Energy Committee of the House of Representatives for review and
49 comment. The committees shall have 60 days to submit comments to
50 the authority. Criteria shall be reviewed by the authority and
51 the committees at least once every three years.

1 (d.1) Department of Community and Economic Development.--

2 (1) The Department of Community and Economic Development
3 shall utilize money it receives from the fund for the
4 following purposes:

5 (i) For grants to fund grassroots community and
6 regional planning efforts that support wise land use
7 decisions by balancing development needs with
8 conservation, recreation and preservation needs.

9 (ii) For grants to support the greening of urban
10 communities, including, but not limited to, bicycle and
11 pedestrian trails, greenways, downtown parks, community
12 gardens, retrofits of significant community buildings for
13 energy efficiency and reuse, streetscape improvements and
14 renewable energy projects. Grants must have a
15 demonstrable environmental or conservation benefit. The
16 Department of Community and Economic Development shall
17 consult with the Department of Environmental Protection
18 and the Department of Conservation and Natural Resources
19 on recommendations of projects to be funded.

20 (iii) For the Elm Street Program created by the act
21 of February 9, 2004 (P.L.61, No.7), known as the Elm
22 Street Program Act.

23 (iv) For the Main Street Program created by the act
24 of April 23, 2002 (P.L.298, No.39), known as the Main
25 Street Act.

26 (2) The Department of Community and Economic Development
27 may require matching funds as a condition of the award of a
28 grant under this subsection.

29 (d.2) Pennsylvania Fish and Boat Commission.--Funds
30 allocated to the Pennsylvania Fish and Boat Commission under
31 this chapter shall be used for the following purposes:

32 (1) For improvements to public access areas owned by the
33 commission or grants to municipalities or organizations for
34 the purpose of improving public access to the waters of this
35 Commonwealth.

36 (2) For maintenance and rehabilitation of dams located
37 at lakes owned by the commission, including the installation
38 of habitat enhancements and improved public access.

39 (3) For upgrades and improvements to State fish
40 hatcheries to maintain and improve water quality and reduce
41 operating costs.

42 (4) For grants to organizations that participate in the
43 cooperative nursery program.

44 (5) For projects to improve fish and aquatic habitat,
45 including, but not limited to, instream fish habitat,
46 riparian buffers, fish passages and the removal of small
47 dams.

48 (d.3) Pennsylvania Game Commission.--Funds allocated to the
49 Pennsylvania Game Commission under this chapter shall be used
50 for the following purposes:

51 (1) To rehabilitate water control structures on State

1 game lands in order to improve wetland habitat for water fowl
2 and other wildlife and to improve water quality.

3 (2) For improvements to facilities on State game lands,
4 including, but not limited to, improved road access, enhanced
5 access for persons with disabilities and older persons and
6 the construction of two wildlife conservation education
7 centers.

8 (d.4) Pennsylvania Historical and Museum Commission.--Funds
9 allocated to the Pennsylvania Historical and Museum Commission
10 under this chapter shall be used for a historic preservation
11 project grant program for the planning and development of
12 publicly accessible historic resources listed in or eligible for
13 listing in the National Register of Historic Places. The grants
14 shall support projects that identify, preserve, promote and
15 protect historic and archaeological resources of this
16 Commonwealth for both the benefit of the public and the
17 revitalization of communities.

18 (e) Administrative expense limitation.--The departments, the
19 commissions and the authority may not expend more than [2.5%] 5%
20 of the moneys received from the fund on administrative expenses.
21 The Department of Environmental Protection may not expend more
22 than an aggregate of 2.5% of the moneys received from the fund
23 and the moneys directed to the Hazardous Sites Cleanup Fund
24 pursuant to section 6104(d)(4) and (5) on administrative
25 expenses. Grant recipients that receive moneys from the fund for
26 the purposes set forth in this section may not expend more than
27 [5%] 7.5% of the moneys received from the fund on administrative
28 expenses.

29 (f) Expenditure limitation.--

30 (1) No moneys made available through the fund shall be
31 used for any purpose which, directly or indirectly, precludes
32 access to or use of any forested land for the practice of
33 sustainable forestry and commercial production of timber or
34 other forest products.

35 (2) This subsection shall not apply to funds used [by
36 the Department of Conservation and Natural Resources,
37 counties or municipalities] for the purchase or improvement
38 of park land to be used for public recreation.

39 (g) Regulations.--The departments, commissions and the
40 authority may promulgate regulations necessary to carry out the
41 purposes of this chapter.

42 Section 4. Title 27 is amended by adding a chapter to read:

43 CHAPTER 67

44 PENNSYLVANIA CLEAN WATER PROCUREMENT PROGRAM

45 Sec.

46 6701. Scope of chapter.

47 6702. Definitions.

48 6703. Pennsylvania Clean Water Procurement Program.

49 6704. Watershed Innovation and Improvement Fund.

50 6705. Regulations.

51 \$ 6701. Scope of chapter.

1 This chapter relates to the Pennsylvania Clean Water
2 Procurement Program.

3 § 6702. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Authority." The Pennsylvania Infrastructure Investment
8 Authority.

9 "BMP." Best Management Practices Manual.

10 "Chesapeake Bay TMDL." The Chesapeake Bay Total Daily
11 Maximum Load for Nitrogen, Phosphorus and Sediment, established
12 by the United States Environmental Protection Agency on December
13 29, 2010.

14 "Commission." The State Conservation Commission.

15 "Department." The Department of Environmental Protection of
16 the Commonwealth.

17 "Entity." An entity that generates and sells certified
18 nutrient credits.

19 "Fund." The Watershed Innovation and Improvement Fund
20 established under this chapter.

21 "Modeled Best Management Practice Reductions." Reduction in
22 best management practices approved by the Chesapeake Bay Program
23 Watershed Model and that incorporates an uncertainty factor of
24 the Environmental Protection Agency.

25 "Nonpoint source pollution reduction benefits." Pollution
26 reductions that can be directly measured and quantified, or
27 modeled incorporating EPA uncertainty factors, including, but
28 not limited to, nonpoint source phosphorous, nitrogen and
29 sediment loads to surface water and groundwater resources and
30 pathogens.

31 "Nutrient pollutant." Nitrogen or phosphorous.

32 "Program." The Pennsylvania Clean Water Procurement Program
33 established under this chapter.

34 "Request for proposal" or "RFP." A request for proposal that
35 defines contract terms, future delivery dates and technical
36 specifications and is issued by the authority, in conjunction
37 with the department, to procure verified TMDL nutrient credits
38 from a load reduction activity that meets the requirements of
39 any applicable offset program in force regarding the Chesapeake
40 Bay.

41 "Sediment." Soils or other erodible materials transported by
42 storm water as a product of erosion.

43 "TMDL." Total maximum daily load.

44 "Verified TMDL nutrient credit." A unit of nutrient
45 pollutant load reduction.

46 "Water year." The 12-month period beginning October 1 of
47 each calendar year.

48 § 6703. Pennsylvania Clean Water Procurement Program.

49 (a) Establishment.--The Pennsylvania Clean Water Procurement
50 Program is established and shall provide for the purchase of
51 verified TMDL nutrient credits from nutrient credit generators

1 through a competitive bidding process consistent with 62 Pa.C.S.
2 Pt. I (relating to Commonwealth Procurement Code) and any other
3 competitive process determined to be appropriate by the
4 commission, in consultation with the department.

5 (b) Powers and duties.--The department shall administer the
6 program and take any action necessary to effectuate the purposes
7 of this chapter.

8 (c) Contracts with verified TMDL nutrient credit sellers.--

9 (1) The department shall, beginning with the water year
10 in which this section takes effect and the following water
11 years, publish a notice of the aggregate unmet Chesapeake Bay
12 TMDL nutrient pollutant reduction requirements in the
13 Pennsylvania Bulletin.

14 (2) Subject to the availability of funding to purchase
15 credits, no later than 60 days following publication of the
16 notice under paragraph (1), the authority shall issue, in
17 consultation with the department, a request for proposals
18 from verified nutrient credit entities under 62 Pa.C.S. Pt. I
19 for the supply of long-term verified TMDL nutrient credits
20 for future delivery in order to fulfill the unmet Chesapeake
21 Bay TMDL nutrient pollutant reduction requirement for those
22 water years included in the notice.

23 (3) The RFP under paragraph (2) shall be for a minimum
24 term of 10 years and shall allow sufficient time for the
25 delivery of verified reductions of TMDL parameters consistent
26 with the time frame necessary for the permitting and
27 development of public or private credit generator facilities.

28 (4) Factors to be considered as part of the criteria for
29 evaluation of responses received to the RFP and the weighted
30 percentage to be applied to each factor shall be included by
31 the commission in temporary regulations published under
32 section 6705 (relating to regulations) and in final
33 regulations and shall include:

34 (i) Environmental and recreational benefits to this
35 Commonwealth and local communities resulting from the
36 TMDL nutrient pollutant reduction activities, including
37 verified and modeled green infrastructure benefits and
38 other TMDL parameter reductions to the surface water and
39 groundwater resources of this Commonwealth.

40 (ii) Additional criteria determined relevant by the
41 commission and the department.

42 (5) The award granted for the RFP shall determine the
43 adjusted cost of verified TMDL nutrient credits less the
44 value of the local environmental benefit or green
45 infrastructure reductions.

46 (6) Consistent with 62 Pa.C.S. Pt. I (relating to
47 Commonwealth Procurement Code), Federal policy
48 recommendations regarding the procurement of results in lieu
49 of funding solutions and any applicable State statute,
50 payments to entities may occur only after the department has
51 verified the nutrient pollutant reductions. The verifications

1 shall be performed monthly based upon required data
2 submissions from nutrient credit generators certified by the
3 department.

4 § 6704. Watershed Innovation and Improvement Fund.

5 (a) Establishment.--The Watershed Innovation and Improvement
6 Fund is established in the State Treasury.

7 (b) Source of funding.--The fund shall consist of
8 appropriations made to the fund and interest earned on money of
9 the fund.

10 (c) Use.--Money in the fund shall be used by the authority
11 for the purchase of verified TMDL nutrient credits under section
12 6703 (relating to Pennsylvania Clean Water Procurement Program),
13 provided that winning bids must offer 20% of total nutrient
14 reduction allotment to be available for participation for 30
15 days by modeled BMP's to sell their credits into this pool and
16 receive the winning bid price absent the need to participate in
17 the bidding process.

18 § 6705. Regulations.

19 The department may promulgate regulations to carry out the
20 provisions of this chapter.

21 Section 5. This act shall take effect in 60 days.