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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2000 Session of  
1999

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INTRODUCED BY BARLEY, HERSHEY, VEON, PERZEL, GODSHALL, EVANS,  
ARGALL, TRICH, PHILLIPS, PISTELLA, E. Z. TAYLOR, TANGRETTI,  
CORNELL, MELIO, FARGO, CORRIGAN, KREBS, LEDERER, BARRAR,  
SOLOBAY, KENNEY, SHANER, RAYMOND, GRUCELA, STERN, YOUNGBLOOD,  
FEESE, STURLA, BROWNE, STABACK, SCHULER, ZUG, TRELLO, HASAY,  
HORSEY, BUNT, SEYFERT, ARMSTRONG, DALLY, L. I. COHEN, TULLI,  
SCHRODER, DAILEY, STRITTMATTER, HERMAN, BASTIAN, TRUE, HABAY,  
LEH, CLYMER, BARD, SEMMEL, BIRMELIN, R. MILLER, FORCIER,  
HENNESSEY, CHADWICK, FLEAGLE, MAITLAND, ALLEN, SAYLOR,  
S. MILLER, ZIMMERMAN AND HESS, SEPTEMBER 29, 1999

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REFERRED TO COMMITTEE ON APPROPRIATIONS, SEPTEMBER 29, 1999

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AN ACT

1 Providing for watershed protection and environmental  
2 stewardship; conferring powers and duties on the Department  
3 of Environmental Protection; establishing the Environmental  
4 Stewardship Fund; imposing a recycling fee; and making  
5 repeals.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Preservation  
10 2000 Act.

11 Section 2. Declaration of policy.

12 The General Assembly finds and declares as follows:

13 (1) The 21st Century Environment Commission identified  
14 land use as the most pressing environmental issue facing the  
15 Commonwealth.

1           (2) Open space, greenways, trails, river corridors, fish  
2     and wildlife habitats, parks and recreation areas and scenic  
3     environments:

4           (i) protect the environment;

5           (ii) conserve natural resources; and

6           (iii) add value to communities.

7           (3) There are approximately 200,000 acres of farmland in  
8     this Commonwealth currently on county farmland preservation  
9     waiting lists.

10          (4) Innovative legislative actions are necessary to  
11     provide incentives to municipalities to:

12           (i) further encourage the preservation of open  
13     space;

14           (ii) clean and protect watersheds;

15           (iii) improve recreational opportunities;

16           (iv) protect natural areas and habitats; and

17           (v) address existing environmental problems.

18 Section 3. Definitions.

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

22     "Authorized organization." An entity which meets all of the  
23     following:

24           (1) is involved in research, restoration,  
25     rehabilitation, planning, acquisition, development, education  
26     or other activities, which further the protection,  
27     enhancement, conservation, preservation or enjoyment of this  
28     Commonwealth's environmental, conservation, recreation or  
29     similar resources;

30           (2) a tax-exempt institution under section 501(c)(3) of

the Internal Revenue Code of 1986 (Public Law 99-154, 26 U.S.C. § 501(c)(3);

(3) is:

(i) registered with the Bureau of Charitable Organizations; or

(ii) an educational institution involved in the activities referred to in paragraph (1).

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

"Fund." The Environmental Stewardship Fund established in section 5.

"Municipal waste landfill." As defined in section 103 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

"Planning." The preparation of park, recreation and open space plans, river corridor and watershed plans, master site development plans, feasibility studies, natural areas studies and inventories, greenways and trail plans, maintenance management plans, conservation plans, zoning plans, land use plans, environmental management plans and research or education documents, useful in assisting municipalities, Commonwealth agencies, conservation districts, watershed organizations and authorized organizations in developing a strategy for environmental improvement, natural resource management, park and recreation development and land conservation.

"Program." The Preservation 2000 Program established in section 7.

"Resource recovery facility." As defined in section 103 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

1 "Solid waste." As defined in section 103 of the act of July  
2 7, 1980 (P.L.380, No.97), known as the Solid Waste Management  
3 Act.

4 "Watershed organization." An entity recognized by the  
5 Department of Conservation and Natural Resources or the  
6 Department of Environmental Protection and established by  
7 volunteer community members to promote local watershed  
8 conservation efforts in an identified watershed.

9 Section 4. Department.

10 The department has the following powers and duties:

- 11 (1) To administer the fund under section 5(e).
- 12 (2) To administer the program under section 7.
- 13 (3) To promulgate regulations to implement this act.

14 Section 5. Fund.

15 (a) Establishment.--The Environmental Stewardship Fund is  
16 established as a separate fund in the State Treasury.

17 (b) Sources.--The following are the sources of the fund,  
18 which shall not exceed a total of \$25,000,000:

- 19 (1) Appropriations from the General Fund.
- 20 (2) Transfers for a period of twenty years from the  
21 effective date of this act, during which the fund may receive  
22 money, upon approval of the Governor, from the Recycling Fund  
23 and the Hazardous Sites Cleanup Fund. The combined total of  
24 appropriations from these two funds for the program shall not  
25 exceed \$10,000,000 annually.
- 26 (3) Federal funds.
- 27 (4) Other contributions.
- 28 (5) Interest on money in the fund.

29 (c) Purpose.--The following are the purposes of the fund:

- 30 (1) To make grants under section 7.

1           (2) To provide funding to the Department of Conservation  
2           and Natural Resources and the department under section 8.

3           (3) To protect the environment under section 2(2).

4           (d) Continuing appropriation.--The money in the fund is  
5           continuously appropriated to the fund. This appropriation shall  
6           not lapse at the end of any fiscal year.

7           (e) Administration.--The department shall administer the  
8           fund.

9           (f) Allocation.--It is the intent of the General Assembly  
10          that the money appropriated in subsection (d) be allocated  
11          annually as follows: 10% to the Department of Conservation and  
12          Natural Resources; 10% to the department; and 80% to counties in  
13          accordance with section 7.

14          (g) Pledge.--The Commonwealth does hereby pledge to and  
15          agree with any person, firm or corporation acquiring any bonds  
16          to be issued by a county and secured in whole or in part by a  
17          pledge of the portion of a grant under the program that the  
18          Commonwealth will not limit or alter the rights vested in such  
19          county to the appropriation and distribution of money from the  
20          fund.

21          Section 6. Recycling fee.

22          (a) Imposition.--There is imposed a recycling fee of \$2 per  
23          ton for all solid waste processed at resource recovery  
24          facilities and for all solid waste except process residue and  
25          nonprocessable waste from a resource recovery facility that is  
26          disposed of at municipal waste landfills. The fee shall be paid  
27          by the operator of each municipal waste landfill and resource  
28          recovery facility.

29          (b) Alternative calculation.--The fee for operators of  
30          municipal waste landfills and resource recovery facilities that

1 do not weigh solid waste when it is received shall be calculated  
2 as if three cubic yards were equal to one ton of solid waste.

3 (c) Waste weight requirement.--An operator of a municipal  
4 waste landfill and resource recovery facility that has received  
5 30,000 or more cubic yards of solid waste in the previous  
6 calendar year shall weigh all solid waste when it is received.  
7 The scale used to weigh solid waste shall conform to the  
8 requirements of 3 Pa.C.S. Ch. 41 Subchs. B (relating to weights  
9 and measures generally) and C (relating to public weighmasters)  
10 and the regulations promulgated under those subchapters.

11 (d) Sunset.--This section shall expire October 15, 2019.

12 Section 7. Program.

13 (a) Establishment.--The Preservation 2000 Program is  
14 established to provide grants to counties so that counties can,  
15 in turn, make grants to county conservation districts, watershed  
16 organizations, authorized organizations and municipalities other  
17 than counties for all of the following:

18 (1) Acid mine drainage abatement and cleanup efforts and  
19 plugging of abandoned and orphan oil and gas wells.

20 (2) Facilitation of remining.

21 (3) Planning, education, acquisition, development,  
22 rehabilitation and repair for greenways, trails, open space,  
23 natural areas, river corridors, watersheds, community parks  
24 and recreation facilities.

25 (4) Community conservation and beautification projects.

26 (5) For nonpoint source pollution abatement.

27 (6) Planning and implementation of local watershed-based  
28 conservation efforts.

29 (7) Improvement of water-quality-impaired watersheds.

30 (8) Water, storm water and sewer infrastructure

1 projects.

2 (9) Protection of farmland in accordance with the act of  
3 June 30, 1981 (P.L.128, No.43), known as the Agricultural  
4 Area Security Law.

5 (10) Funding county conservation districts.

6 (b) Operation.--

7 (1) There shall be two grant procedures each fiscal  
8 year:

9 (i) The initial grant procedure, completed by the  
10 end of March.

11 (ii) The secondary grant procedure, completed by the  
12 end of the fiscal year.

13 (2) The total grants in a fiscal year shall not exceed  
14 \$20,000,000. This paragraph includes grants awarded pursuant  
15 to subsection (d) or (e) in the fiscal year, regardless of  
16 the fiscal year in which the application was denied.

17 (3) No single grant may exceed 300% of the commitment  
18 under subsection (c)(3).

19 (c) Application.--A county may apply for a grant under the  
20 program by submitting to the department all of the following:

21 (1) An application.

22 (2) A plan which promotes sound land use practices in  
23 accordance with section 2.

24 (3) A commitment to expend municipal funds to carry out  
25 the plan under paragraph (2).

26 (d) Initial procedure.--

27 (1) By December 31, a county must apply for an initial  
28 grant.

29 (2) By the last calendar day of February, the department  
30 shall make a determination to approve or deny the application

1 based on acceptability of:

2 (i) the plan under subsection (c)(2); and

3 (ii) the commitment under subsection (c)(3).

4 (3) Failure of the department to act by the date  
5 specified in paragraph (2) shall be deemed an approval.

6 (4) Denial of an application is subject to review under  
7 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of  
8 Commonwealth agency action).

9 (5) For all applications which are approved or deemed  
10 approved, the department shall award grants based on all of  
11 the following:

12 (i) The priority of highest county population.

13 Regardless of population, under this subparagraph, no  
14 county may receive more than 6% of the total grants in a  
15 fiscal year.

16 (ii) The requirements of subsection (b)(2) and (3).

17 (e) Secondary procedure.--If initial grants do not exhaust  
18 the maximum amount under subsection (b)(2), secondary grants  
19 shall be made in accordance with the following:

20 (1) By March 31, a county must apply for a secondary  
21 grant.

22 (2) By May 31, the department shall make a determination  
23 to approve or deny the application based on acceptability of:

24 (i) the plan under subsection (c)(2); and

25 (ii) the commitment under subsection (c)(3).

26 (3) Failure of the department to act by the date  
27 specified in paragraph (2) shall be deemed an approval.

28 (4) Denial of an application is subject to review under  
29 2 Pa.C.S. Ch. 7 Subch. A.

30 (5) For all applications which are approved or deemed



1 approved, the department shall award grants based on all of  
2 the following:

3 (i) The priority of highest county population.

4 Regardless of population, under this subparagraph, no  
5 county may receive more than 6% of the total grants in a  
6 fiscal year.

7 (ii) The requirements of subsection (b)(2) and (3).

8 Section 8. Agencies.

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

10 The Department of Conservation and Natural Resources shall  
11 utilize money it receives from the fund for rehabilitation,  
12 repair and development of State park and State forest lands and  
13 facilities.

14 (b) Department.--The department shall utilize money it  
15 receives from the fund for the following purposes:

16 (1) To implement acid mine drainage abatement and  
17 cleanup efforts and plug abandoned orphan oil and gas wells.

18 (2) To provide funding for technical assistance and  
19 financial incentives to facilitate remining.

20 (3) To improve water-quality-impaired watersheds,  
21 including those polluted by past mining activities,  
22 agricultural and urban runoff, atmospheric deposition, onlot  
23 sewage systems, and earth moving and timber harvesting  
24 activities.

25 Section 9. Effect of repeals.

26 (a) Sewage construction payments to municipalities.--No  
27 municipality, municipal authority or school district which is  
28 not presently receiving payments pursuant to the act of August  
29 20, 1953 (P.L.1217, No.339), entitled, "An act providing for  
30 payments by the Commonwealth to municipalities which have

1 expended money to acquire and construct sewage treatment plants  
2 in accordance with the Clean Streams Program and the act,  
3 approved the twenty-second day of June, one thousand nine  
4 hundred thirty-seven (Pamphlet Laws 1987), and making an  
5 appropriation," may apply for and receive payments under that  
6 act. No new or additional costs of acquisition or construction  
7 of sewage treatment plants for which construction has not  
8 commenced prior to the effective date of this act may be  
9 included in a request for payment by a municipality, municipal  
10 authority or school district. For the purposes of this section,  
11 a construction shall be deemed to have commenced:

12 (1) where the applicant has applied for or received a  
13 permit pursuant to the act of June 22, 1937 (P.L.1987,  
14 No.394), known as The Clean Streams Law, for construction or  
15 modification of the sewage treatment plant; or

16 (2) where a construction permit under The Clean Streams  
17 Law is not required, a signed contract or purchase order for  
18 an eligible acquisition or construction expense has been  
19 validly executed.

20 (b) Sewage construction payments to municipalities.--The  
21 repeal of the act of August 20, 1953 (P.L.1217, No.339),  
22 entitled, "An act providing for payments by the Commonwealth to  
23 municipalities which have expended money to acquire and  
24 construct sewage treatment plants in accordance with the Clean  
25 Streams Program and the act, approved the twenty-second day of  
26 June, one thousand nine hundred thirty-seven (Pamphlet Laws  
27 1987), and making an appropriation," under section 10(a) shall  
28 not affect payments by the Commonwealth, or any portions  
29 thereof, that remain outstanding for the cost of acquisition or  
30 construction of a sewage treatment plant being funded under that

1 act.

2 (c) Site-specific postclosure fund.--In conjunction with the  
3 repeal of sections 1108(b) and (c) of the act of July 28, 1988  
4 (P.L.556, No.101), known as the Municipal Waste Planning,  
5 Recycling and Waste Reduction Act, under section 10(a), a county  
6 which established a landfill closure account may spend the money  
7 in that account to develop and implement plans that promote  
8 sound land use practices, fund county conservation districts,  
9 protect farmland or to accomplish any other purpose established  
10 in section 7. An expenditure for farmland preservation must  
11 comply with the act of June 30, 1981 (P.L.128, No.43), known as  
12 the Agricultural Area Security Law.

13 Section 10. Repeals.

14 (a) Specific.--The following acts and parts of acts are  
15 repealed:

16 Section 1937-A(b) of the act of April 9, 1929 (P.L.177,  
17 No.175), known as The Administrative Code of 1929.

18 Act of August 20, 1953 (P.L.1217, No.339), entitled, "An act  
19 providing for payments by the Commonwealth to municipalities  
20 which have expended money to acquire and construct sewage  
21 treatment plants in accordance with the Clean Streams Program  
22 and the act, approved the twenty-second day of June, one  
23 thousand nine hundred thirty-seven (Pamphlet Laws 1987), and  
24 making an appropriation."

25 Sections 701 and 1108(b) and (c) of the act of July 28, 1988  
26 (P.L.556, No.101), known as the Municipal Waste Planning,  
27 Recycling and Waste Reduction Act.

28 (b) Inconsistent.--Section 602.3 of the act of March 4, 1971  
29 (P.L.6, No.2), known as the Tax Reform Code of 1971, is repealed  
30 insofar as it is inconsistent with this act.

1 Section 11. Effective date.

2 This act shall take effect immediately.