

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 606

Session of 2003

INTRODUCED BY STEIL, BALDWIN, BARRAR, BUNT, CAWLEY, CIVERA, CLYMER, CORRIGAN, COSTA, CRAHALLA, CREIGHTON, CURRY, DAILEY, DALEY, DeLUCA, DeWEESE, FRANKEL, GEORGE, GRUCELA, HARHAI, HENNESSEY, HERMAN, HERSHEY, HORSEY, LAUGHLIN, LEACH, MANN, MARSICO, McCALL, McGILL, MUNDY, O'NEILL, READSHAW, ROSS, RUBLEY, SCAVELLO, SCHRODER, SHANER, STABACK, SURRA, THOMAS, TIGUE, WALKO, WASHINGTON, WATSON, WHEATLEY, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, TANGRETTI, FREEMAN, BELFANTI AND HARPER, MARCH 3, 2003

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 17, 2003

AN ACT

1 Enabling counties and municipalities to develop ~~watershed-based~~ <—
2 COMPREHENSIVE WATERSHED storm water plans and to regulate <—
3 storm water within designated watershed boundaries; imposing
4 duties and conferring powers on the Department of
5 Environmental Protection, on the Environmental Quality Board,
6 on counties and on municipalities; providing for financing;
7 and making an appropriation.

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

14 Section 1. Short title.

15 This act shall be known and may be cited as the Comprehensive
16 Watershed Storm Water Act.

17 Section 2. Legislative findings.

18 The General Assembly finds that:

19 (1) There are several adverse consequences of
20 uncontrolled runoff of storm water and subsurface drainage,
21 including increased flood stages in streams, reduced
22 groundwater recharge, erosion and sedimentation problems and
23 decreased stream quality.

24 (2) ~~Watershed based comprehensive~~ COMPREHENSIVE ←
25 WATERSHED storm water management planning and implementation
26 are critical to protect the public health and safety of the
27 people of this Commonwealth.

28 (3) There is a need for dedicated funding to develop and
29 implement comprehensive watershed storm water plans and to
30 construct storm water facilities to manage and control

1 existing and future storm water runoff and subsurface
2 drainage.

3 (4) The act of October 4, 1978 (P.L.864, No.167), known
4 as the Storm Water Management Act, is not sufficiently
5 comprehensive to address the needs of this Commonwealth.
6 While the act provides a basis for storm water management,
7 additional legislation is needed to provide thorough
8 management.

9 Section 3. Purpose.

10 The purpose of this act is to:

11 (1) Enable counties and municipalities to develop
12 comprehensive ~~watershed-based~~ WATERSHED storm water plans for <—
13 the following purposes:

14 (i) Preventing increased flood stages in streams.

15 (ii) Controlling the quantity, QUALITY, direction <—
16 and velocity of storm water runoff and subsurface
17 drainage.

18 (iii) Improving groundwater recharge.

19 (iv) Reducing erosion and sedimentation.

20 (2) Encourage the regional implementation of
21 comprehensive watershed storm water ~~management~~ plans within <—
22 designated watershed boundaries to preserve and protect areas
23 adversely affected by storm water runoff and subsurface
24 drainage.

25 Section 4. Definitions.

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

29 "Agency." A county, ~~municipal~~ MUNICIPALITY or regional <—
30 organization authorized pursuant to section 5 or 6 to develop,

1 implement or comment on a comprehensive watershed storm water
2 plan.

3 "Bonds." The notes, bonds and other evidence of indebtedness
4 or obligations which are authorized to be issued pursuant to
5 section 7.

6 "Commercial property." Any property developed for
7 manufacturing; processing of raw materials or products;
8 nonmanufacturing purposes, including stores, office buildings,
9 shopping centers, industrial parks, trucking terminals or
10 railroads; institutional purposes, including schools, churches,
11 hospitals or other services; or property developed as a ~~primary~~ ←
12 ~~or residential property developed as~~ three or more residential
13 units.

14 "Comprehensive watershed storm water ~~plan.~~" PLAN" OR "PLAN." ←
15 A plan containing all of the elements prescribed under the act
16 of October 4, 1978 (P.L.864, No.167), known as the Storm Water
17 Management Act, plus elements outlined in section ~~5(e)~~ 5(B), for ←
18 the specific purpose of managing all storm water flows within
19 the watershed.

20 "County." A body politic and corporate, created pursuant to
21 the act of August 9, 1955 (P.L.323, No.130), known as The County
22 Code.

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

25 "Flow standard." The measured quantity, quality, velocity
26 and direction of storm water.

27 "INFILTRATION." THE FLOW OR MOVEMENT OF SURFACE WATER INTO ←
28 OR THROUGH THE SOIL, WHERE IT IS ABSORBED BY PLANT ROOTS,
29 EVAPORATED INTO THE ATMOSPHERE OR PERCOLATES DOWNWARD TO
30 RECHARGE GROUNDWATER.

1 "Municipality." A city, borough, town, a township or another
2 governmental unit when acting as an agent thereof or any
3 combination of these acting jointly.

4 "NPDES." National Pollutant Discharge Elimination System.

5 "RECHARGE." THE PROCESS BY WHICH WATER IS ABSORBED AND IS <—
6 ADDED TO THE ZONE OF SATURATION OF A GROUNDWATER AQUIFER. ALSO,
7 THE QUANTITY OF WATER THAT IS ADDED TO THE ZONE OF SATURATION.

8 "Regional storm water facility." A storm water facility
9 which is located in, is financed by or serves more than one
10 municipality in a watershed.

11 "Residential property." Any property developed as a primary
12 or secondary residence for occupation by two or less families.

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

15 "Storm water facility." A natural feature or man made
16 facility that collects, detains, retains, conveys, treats or
17 allows infiltration of storm water or subsurface drainage.

18 "Subsurface drainage." Drainage runoff which occurs below
19 the surface of the ground resulting from precipitation, snow or
20 ice melt occurring naturally or by alteration or development of
21 land.

22 "Watershed." The entire region or area drained by a river or
23 other body of water, whether natural or artificial, as
24 designated pursuant to the act of October 4, 1978 (P.L.864,
25 No.167), known as the Storm Water Management Act.

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

30 Section 5. Comprehensive watershed storm water plans.

1 (a) Local authorization to counties.--The following shall
2 apply:

3 (1) The county or counties located in a watershed,
4 acting jointly or through a joint agency, may develop a
5 comprehensive ~~storm water management~~ WATERSHED STORM WATER <—
6 plan as described in subsection (c). If all counties in the
7 watershed do not agree to develop the plan, the plan shall
8 assume flow standards at the boundaries of the
9 nonparticipating county or counties which are consistent with
10 the comprehensive watershed storm water plan.

11 (2) Federal lands shall be included in the comprehensive
12 ~~storm water management~~ WATERSHED STORM WATER plan with the <—
13 consent of the United States Department of the Interior.

14 (3) State lands shall be included in the comprehensive
15 ~~storm water management~~ WATERSHED STORM WATER plan with the <—
16 consent of the ~~Department of Conservation and Natural~~ <—
17 ~~Resources.~~ APPROPRIATE STATE AGENCY. <—

18 (4) The comprehensive ~~storm water management~~ WATERSHED <—
19 STORM WATER plan shall be generally consistent with ~~county~~ <—
20 ~~and municipal comprehensive plans~~ COMPREHENSIVE PLANS OF <—
21 COUNTIES AND MUNICIPALITIES enacted under the act of July 31,
22 1968 (P.L.805, No.247), known as the Pennsylvania
23 Municipalities Planning Code.

24 ~~(5) A municipal comprehensive plan enacted after~~ <—
25 ~~adoption of a comprehensive storm water management plan shall~~
26 ~~be generally consistent with the comprehensive storm water~~
27 ~~management plan.~~

28 (5) A COMPREHENSIVE PLAN OF A COUNTY OR A MUNICIPALITY <—
29 ENACTED UNDER THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE
30 SUBSEQUENT TO ADOPTION OF THIS ACT SHALL BE GENERALLY

1 CONSISTENT WITH THE COMPREHENSIVE WATERSHED STORM WATER PLAN
2 ENACTED UNDER THIS ACT THAT APPLIES TO THE COUNTY OR
3 MUNICIPALITY.

4 (b) Plan content.--The comprehensive watershed storm water
5 plan shall consist of, but is not limited to:

6 (1) Identification of existing storm water and
7 subsurface drainage problems in the watershed.

8 (2) Identification of existing storm water facilities in
9 the watershed, their engineering design features, their
10 ownership and maintenance responsibility.

11 (3) A ~~design~~ FLOW standard common to all storm water ←
12 facilities within the watershed.

13 (4) Designation of locations, sizes and types of storm
14 water facilities for construction to correct existing and
15 prevent future storm water and subsurface drainage problems.
16 Any designation of locations for facilities must be generally
17 consistent with ~~municipal and county comprehensive plans~~. THE ←
18 COMPREHENSIVE PLANS OF THE MUNICIPALITY AND COUNTY ENACTED
19 UNDER THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

20 (5) A priority listing for construction of each storm
21 water facility included in the plan.

22 (6) Identification of financing alternatives for storm
23 water facilities.

24 (7) A program for public information, participation and
25 education.

26 (8) Provision for plan update or review at a minimum of
27 every five years.

28 (9) Demonstration of general consistency with other
29 existing Federal, State, interstate, regional, county and
30 ~~municipal~~ MUNICIPALITY environmental and land use plans. ←

1 (10) Demonstrate consistency with existing watershed
2 storm water plans, including minimum standards required by
3 the act of October 4, 1978 (P.L.864, No.167), known as the
4 Storm Water Management Act.

5 (11) Design of a rate structure for fees and assessments
6 to implement the plan.

7 (12) A description of the mechanism and time frame by
8 which the plan will be implemented.

9 (13) A storm water infiltration standard for groundwater
10 recharge based on soil type as developed by appropriate
11 agencies.

12 (14) Identification of other watershed storm water plans
13 which impact the planned watershed.

14 (c) Development.--Public participation in the development of
15 the comprehensive watershed storm water plan shall be provided
16 as follows:

17 (1) A comprehensive watershed storm water plan advisory
18 committee, composed of one representative appointed by the
19 governing body of each municipality in the plan, county and
20 county soil and water conservation district in the watershed
21 AND OTHER AGENCIES AND GROUPS, AS DEEMED NECESSARY BY THE <—
22 AGENCY, which shall be established to advise the agency
23 throughout the process.

24 (2) Prior to adoption, the ~~comprehensive watershed storm~~ <—
25 ~~water~~ plan shall be reviewed by the official planning agency
26 and governing body of each municipality and county and by
27 each regional planning agency in the watershed, for general
28 consistency with other plans and programs affecting the
29 watershed. All such reviews and the agency's responses shall
30 be submitted to the department with the plan, at the time an <—

1 ~~approval~~ A REVIEW of the plan is requested from the <—
2 department.

3 (3) Prior to adoption or amendment of the plan,
4 reasonable public notice shall be given and a public hearing
5 shall be held within the watershed.

6 (d) Adoption.--Adoption or amendment of the COMPREHENSIVE <—
7 WATERSHED STORM WATER plan shall be by resolution of the
8 governing body or bodies of the agency or agencies identified in
9 subsection (a), which have authorized development of the plan.

10 (e) Recommendation by department.--The following shall
11 apply:

12 (1) Prior to adoption or substantive amendment, a
13 comprehensive watershed storm water plan shall be submitted
14 to the department for review. The department shall recommend
15 ~~approval~~ ADOPTION of the plan if it determines that it is <—
16 consistent with the practice and intent of the following:

17 (i) ~~Municipal~~ MUNICIPALITY flood plain management <—
18 plans.

19 (ii) State programs which regulate dams,
20 encroachments, water obstructions, erosion and
21 sedimentation.

22 (iii) Federal and State flood control and water
23 quality programs.

24 (iv) Other watershed storm water plans which impact
25 the planned watershed.

26 (v) The policies and purposes of this act and the
27 Storm Water Management Act.

28 (2) Unless the department recommends ~~approval~~, <—
29 ~~disapproval or conditional approval~~ ADOPTION, NONADOPTION OR <—
30 CONDITIONAL ADOPTION of the plan within three months of

1 receipt, it will be deemed ~~approved~~. ACCEPTABLE AS SUBMITTED. <—

2 ~~(f) Appeals. Any person aggrieved by a final decision of~~ <—

3 ~~the department approving or disapproving a storm water~~

4 ~~management plan or any amendment to it may appeal the decision~~

5 ~~to the Environmental Hearing Board in accordance with the~~

6 ~~provisions of the act of July 13, 1988 (P.L.530, No.94), known~~

7 ~~as the Environmental Hearing Board Act.~~

8 Section 6. Implementation of comprehensive watershed storm

9 water management plan. <—

10 (a) Revision of ordinances.--~~All municipalities shall revise~~ <—

11 ~~their~~ A MUNICIPALITY SHALL REVISE ITS ordinances and regulations <—

12 to conform with the requirements of the comprehensive storm <—

13 ~~water plan.~~ WATERSHED STORM WATER PLAN APPLICABLE TO THE <—

14 MUNICIPALITY.

15 (b) Infrastructure implementation.--Infrastructure

16 improvements under a ~~department approved~~ comprehensive watershed <—

17 storm water plan may be implemented through any of the

18 following:

19 (1) Each municipality will carry out the plan within its

20 boundaries, either individually or by agreement with another

21 municipality, county or a joint agency.

22 (2) One or more municipalities in the watershed may

23 request that the county or counties in the watershed assume

24 responsibility for implementation of the plan. The county or

25 counties may assume responsibility for implementation of the

26 plan and operational authority for the storm water facilities

27 as provided for in the plan, but only for municipalities

28 which agree to allow the county or counties to assume

29 implementation responsibilities.

30 (3) If two-thirds of the municipalities, representing at

1 least 51% of the population within the watershed, through
2 adoption of resolutions of their governing bodies, request
3 that the county or counties in the watershed assume
4 responsibility for implementation of the plan, then the
5 county or counties shall assume such responsibility.

6 (c) Exercise of local authority.--A county or counties or
7 municipalities which have assumed responsibility for
8 implementation of the COMPREHENSIVE WATERSHED STORM WATER plan <—
9 shall have the right to exercise authority by any of the
10 following methods:

11 (1) By creating an operational unit under the authority
12 of the county or municipalities or by assigning such
13 responsibility to an existing operational unit.

14 (2) By contracting with any private or public, profit or
15 not-for-profit organization, corporation or other legal
16 entity to perform such responsibilities in accordance with
17 the plan.

18 (d) Powers.--Municipalities exercising the authority to
19 implement the COMPREHENSIVE WATERSHED STORM WATER plan under <—
20 subsection (b)(1) may exercise the following powers:

21 (1) Deny any landowner in a municipality use of the
22 storm water facilities constructed pursuant to the plan
23 unless the landowner complies with the ~~municipal~~ ordinances <—
24 adopted under this act BY THE MUNICIPALITY. <—

25 (2) Install necessary storm water facilities on private
26 property if the landowner does not comply with the ~~municipal~~ <—
27 ordinances adopted under this act BY THE MUNICIPALITY <—
28 requiring installation of storm water facilities for
29 activities on the landowner's property, and assess costs
30 against such landowner, which costs shall be recoverable in

1 the same manner as assessments under section 7.

2 (e) Ceding of authority.--Ceding of authority shall be
3 conducted as follows:

4 (1) Storm water facilities on private lands may be ceded
5 to the agency at the agency's discretion. Whether ceded or
6 not, the facilities shall be required to meet the design
7 standards required under the comprehensive ~~storm water~~ ←
8 ~~management~~ WATERSHED STORM WATER plan. ←

9 (2) All ceded facilities shall be subject to an easement
10 for maintenance and inspection access.

11 (f) Fee authorization.--The county may levy an annual storm
12 water fee on real property to pay for all costs associated with
13 implementation under this section as defined in section 7. The
14 annual storm water fee may be countywide or may be implemented
15 in phases which reflect the implementation of the comprehensive
16 WATERSHED storm water plan. ←

17 (g) Reimbursement of implementation and maintenance costs.--
18 The following shall apply to reimbursement:

19 (1) A municipality shall be reimbursed by the county for
20 its identified costs of infrastructure implementation and
21 maintenance under subsection (b)(1) and (2).

22 (2) Reimbursement shall not include costs related to
23 sanitary sewage facilities.

24 (3) The municipality may delay implementation of the
25 COMPREHENSIVE WATERSHED STORM WATER plan until the county ←
26 provides for reimbursement to the municipality for costs
27 covered under this subsection.

28 (4) The county shall have the right to audit the
29 municipalities' costs of implementation.

30 (h) Design criteria and standards.--The comprehensive

1 watershed storm water plan shall dictate the engineering design
2 and standard for any storm water facility implemented under this
3 section and the county shall have no responsibility to reimburse
4 the cost of any facility not meeting the design criteria.

5 (i) Maintenance of storm water facilities.--Continuing
6 maintenance of storm water facilities shall be the
7 responsibility of the party implementing the facility under
8 subsection (b)(1) and (2) unless there is specific agreement
9 otherwise between the agency and the implementing party.

10 Section 7. Powers and duties of county.

11 (a) Plan development and implementation.--In addition to any
12 existing powers, the county responsible for development or
13 implementation of the comprehensive watershed storm water plan
14 shall have the power and duty to:

15 (1) Fix, alter, charge and collect fees and assessments
16 in the area served by the county and the associated watershed
17 at reasonable and uniform rates as determined exclusively by
18 the county in order to carry out the powers and duties
19 authorized under this act, including preparation of
20 comprehensive watershed storm water plans and their
21 implementation and the acquisition or construction of storm
22 water facilities in the watershed. The fees established under
23 this paragraph:

24 (i) Shall be assessed on real property in the
25 watershed as follows:

26 (A) The fee may be a flat fee or may be based on
27 the value of the real property.

28 (B) Commercial and industrial property may be
29 assessed through a flat fee based upon impervious
30 surface coverage.

1 (C) A commercial property capable of managing
2 storm water through privately constructed and
3 operated storm water facilities, either on premises
4 to the design standard for a maximum draw down time
5 of 48 hours or through an NPDES-permitted outfall
6 directly to a water body that does not require
7 construction of additional public storm water
8 facilities, shall not be charged the fee. A
9 commercial facility capable of managing a portion of
10 its storm water either on premises to the design
11 standard for a maximum draw down time of 48 hours, or
12 through an NPDES-permitted outfall directly to a
13 water body that does not require construction of
14 additional public storm water facilities shall be
15 charged only its proportional share of the fee, based
16 on the area of the facility not addressed by the
17 onsite storm water facilities meeting the design
18 standard of section 5(b)(3). A commercial facility
19 subject to the fee may instead construct and operate
20 additional onsite storm water facilities meeting the
21 design standard of section 5(b)(3), thereby exempting
22 that property from all or a proportional share of the
23 storm water use fee.

24 (ii) Shall be added to the annual real estate tax
25 authorized and collected under, as appropriate, the act
26 of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to
27 as the Sterling Act, the act of July 28, 1953 (P.L.723,
28 No.230), known as the Second Class County Code or the act
29 of August 9, 1955 (P.L.323, No.130), known as The County
30 Code.

1 (iii) Shall not exceed the cost of preparation or
2 implementation of the ~~comprehensive watershed storm water~~ ←
3 plan, which may include administrative, operating and
4 maintenance expenses and the payment of principal and
5 interest on its obligations.

6 (2) Make expenditures necessary to prepare and implement
7 the ~~comprehensive watershed storm water~~ plan. ←

8 (3) Deposit the revenues collected under this section in
9 a dedicated receipts account to be used for the exclusive
10 purpose of development and/or implementation of a ←
11 ~~comprehensive watershed storm water plan.~~ THE PLAN. ←

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

15 (5) Levy and collect benefit assessments upon the
16 properties within the watershed for the purpose of acquiring
17 or constructing regional storm water facilities, which
18 properties, in its judgment, are especially benefited thereby
19 whether they abut such facilities or not, according to such
20 rule as the agency adopts, subject to the right of appeal.
21 These assessments may include a proportionate share of the
22 cost of any part of the regional storm water facility,
23 including the cost of preliminary studies and surveys,
24 detailed working plans and specifications, acquisition of
25 necessary land or property or an interest therein, damage
26 awards, construction costs, interest charges during
27 construction, legal or other fees or any other expense
28 incidental to the completion of the work. In assessing
29 benefits and apportioning the amount to be raised among the
30 properties benefited, the agency may give consideration to

1 the area, to assessed real estate value, to present or
2 permitted use of the benefited properties and to any other
3 relevant factors. Revenue from the assessment of benefits
4 shall be used solely for the costs listed in this paragraph.
5 No assessment shall be made against any property in excess of
6 the special benefit to accrue to such property.

7 (6) Borrow money, make and issue negotiable notes,
8 bonds, refunding bonds, and other evidences of indebtedness
9 or bonds of the agency, the bonds to have a maturity date not
10 longer than 40 years from the date of issue.

11 (7) Secure payment of the bonds or any part thereof by
12 pledge or deed of trust of all or any of its revenues and
13 receipts, and to make such agreements with the purchasers or
14 holders of such bonds or with others in connection with any
15 such bonds, whether issued or to be issued.

16 (8) Borrow money and issue such notes, bonds and other
17 indebtedness and obligations jointly with any adjoining
18 state, as the agency shall deem advisable and, in general, to
19 provide for the security for the bonds and the rights of the
20 holders thereof and in respect to any storm water facility
21 constructed and operated under agreement with any such
22 agency. Any agency may enter into any deed of trust,
23 indenture or other agreement with any bank or trust company
24 or other person or persons in the United States having power
25 to enter into the same, including any Federal agency, as
26 security of such bonds and may assign and pledge all or any
27 of the revenue of receipts of the agency thereunder. Such
28 deed of trust, indenture or agreement may contain such
29 provisions as may be customary in such instruments or as the
30 agency may authorize, including, but not limited to, the

1 following:

2 (i) The construction, improvement, operation,
3 maintenance and repair of any storm water facility and
4 the duties of the agency with reference thereto.

5 (ii) The application of funds and the safeguarding
6 of funds on hand or on deposit.

7 (iii) The rights and remedies of the trustee and the
8 holder of the bonds, which may include restrictions upon
9 the individual right of action of such bondholders.

10 (iv) The terms and provisions of the bonds or the
11 resolutions authorizing the issuance of the same.

12 (9) Use any available Federal or State funds, and any
13 other funds, and set up accounts as are necessary to
14 implement the provisions of this act.

15 (10) Develop design details for the storm water
16 facilities to be implemented in accordance with the approved
17 ~~comprehensive watershed storm water~~ plan. <—

18 (11) Plan for capital facilities, including the
19 development of maintenance schedules.

20 (12) Review and comment on the location, design and
21 construction within the watershed of facilities, owned or
22 financed, in whole or in part, by funds from the
23 Commonwealth, including storm water facilities, obstruction,
24 flood control projects, highways and transportation
25 facilities, and facilities for the provision of public
26 utility service, to assure their consistency with the
27 ~~comprehensive watershed storm water~~ plan. The county shall <—
28 review and take action on such submissions concurrent with
29 the review period as provided in ARTICLE V OF the act of July <—
30 31, 1968 (P.L.805, No.247), known as the Pennsylvania

1 Municipalities Planning Code.

2 (13) Inspect storm water facilities for adherence to
3 plans and construction and maintenance standards.

4 (14) Provide for routine maintenance.

5 (15) Construct regional storm water facilities.

6 (16) Cooperate with emergency response and relief
7 agencies.

8 (17) Provide for public comment on any project involving
9 the construction of capital facilities.

10 (b) Other requirements.--The powers and duties under this
11 section in no way relieve persons engaged in the alteration or
12 development of land of the responsibility to comply with the
13 requirements of ~~municipal storm water ordinances~~ STORM WATER ←
14 ORDINANCES OF MUNICIPALITIES, the approved comprehensive
15 watershed storm water plan and the requirements of the act of
16 October 4, 1978 (P.L.864, No.167), known as the Storm Water
17 Management Act.

18 (c) Objections.--Any resident, owner of real property or
19 person in the watershed questioning the rate fixed by the county
20 or the adequacy, safety and reasonableness of the agency's
21 services, including extensions of service thereof, shall first
22 raise such objections with the county or the agency, as the case
23 may be. After exhausting their administrative remedies, such
24 persons may bring suit against the agency in the court of common
25 pleas of the county in which the principal office of the agency
26 is located.

27 Section 8. Duties of municipalities in regulating development
28 of land.

29 (a) Regulation.--A municipality shall regulate development
30 activities consistent with any applicable approved comprehensive

1 watershed storm water plan.

2 (b) Enforcement.--Nothing in this act shall prohibit a
3 municipality or county from enforcing any zoning, subdivision or
4 land development ordinance which the municipality or county has
5 adopted.

6 Section 9. Entry upon land for surveys and examinations.

7 Designated representatives of the agency, upon serving a
8 reasonable notice, may enter upon lands in the watershed to make
9 surveys and examinations to accomplish the necessary purposes of
10 the agency or to have access to storm water facilities.

11 Section 10. Powers and duties of department and Environmental
12 Quality Board.

13 (a) Technical assistance.--Upon request of a county or
14 municipality, the department shall provide technical assistance
15 as required for the purposes of this act. The department may
16 prepare and issue such advisory guidelines as may be appropriate
17 to assist in the implementation of this act.

18 (b) Department authority.--Nothing in this act shall be
19 construed to abrogate the authority of the department under any
20 of the environmental laws administered by the department.

21 (c) Environmental Quality Board.--The Environmental Quality
22 Board shall adopt such rules and regulations of the department
23 as are necessary and appropriate to carry out the purposes of
24 this act.

25 Section 11. Permits.

26 The department, the Environmental Quality Board and other
27 Commonwealth departments and agencies and county and municipal
28 governments and agencies shall make decisions with respect to
29 issuance of permits that are generally consistent with

30 comprehensive ~~storm water management plans~~. WATERSHED STORM

<—

1 WATER PLANS ENACTED UNDER THIS ACT.

2 Section 12. Preservation of existing rights and remedies.

3 The taking of any action under the provisions of this act
4 shall not be construed as estopping the Commonwealth or any
5 county, municipality or aggrieved person from proceeding in
6 courts of law or equity to abate nuisances under existing law or
7 to restrain, at law or in equity, a violation of this act.

8 Section 13. Grants.

9 (a) Purpose.--The department may administer grants to
10 municipalities and counties and to assist or reimburse them for
11 costs in preparing comprehensive watershed storm water plans
12 under this act. Grants and reimbursements shall be made from and
13 to the extent of funds appropriated by the General Assembly for
14 such purposes and shall be made in accordance with rules and
15 regulations promulgated by the Environmental Quality Board.

16 (b) Amount.--A grant shall not exceed 75% of the allowable
17 costs for the preparation of a comprehensive watershed storm
18 water plan by any municipality or county. The grant shall be in
19 addition to grants for similar purposes made to any municipality
20 or county by the Federal Government.

21 Section 14. Appropriation.

22 There is hereby appropriated \$1,000,000 for the fiscal year
23 following enactment of this act to the Department of
24 Environmental Protection for the administrative and general
25 expenses necessary in implementing this act. This shall be a
26 continuing appropriation and shall not lapse.

27 Section 15. Applicability.

28 This act shall not apply to counties of the first class.

29 Section 16. Effective date.

30 This act shall take effect in 60 days.