

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 606 Session of
2003

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AND MUSTIO, MARCH 3, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 24, 2004

AN ACT

1 Enabling CERTAIN counties and municipalities to develop <—
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; and providing for
7 financing AND FOR WAIVER OF USE OF CERTAIN GRANT OR LOAN <—
8 FUNDS.

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21 SECTION 16. EFFECTIVE DATE.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. Short title.

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

27 Section 2. Legislative findings.

28 The General Assembly finds that:

29 (1) There are several adverse consequences of
30 uncontrolled runoff of storm water and subsurface drainage,

1 including increased flood stages in streams, reduced
2 groundwater recharge, erosion and sedimentation problems and
3 decreased stream quality.

4 (2) Comprehensive watershed storm water management
5 planning and implementation are critical to protect the
6 public health and safety of the people of this Commonwealth.

7 (3) There is a need for dedicated funding to develop and
8 implement comprehensive watershed storm water plans and to
9 construct storm water facilities to manage and control
10 existing and future storm water runoff and subsurface
11 drainage.

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

18 Section 3. Purpose.

19 The purpose of this act is to:

20 (1) Enable counties and municipalities to develop
21 comprehensive watershed storm water plans for the following
22 purposes:

23 (i) Preventing increased flood stages in streams.

24 (ii) Controlling the quantity, ~~quality~~, direction <—
25 and velocity of storm water runoff and subsurface
26 drainage AND THE QUALITY THEREOF CONSISTENT WITH STATE <—
27 WATER QUALITY STANDARDS.

28 (iii) Improving groundwater recharge.

29 (iv) Reducing erosion and sedimentation.

30 (2) Encourage the regional implementation of

comprehensive watershed storm water plans within designated watershed boundaries to preserve and protect areas adversely affected by storm water runoff and subsurface drainage.

Section 4. Definitions.

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

"Agency." A county, municipality or regional organization authorized pursuant to section 5 or 6 to develop, implement or comment on a comprehensive watershed storm water plan.

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

"Commercial property." Any property developed for manufacturing; processing of raw materials or products; nonmanufacturing purposes, including stores, office buildings, shopping centers, industrial parks, trucking terminals or railroads; OR institutional purposes, including schools, churches, ~~hospitals or other services; or property developed as~~ three or more residential units. HOSPITALS OR OTHER SERVICES.

"Comprehensive watershed storm water plan" or "plan." A plan containing all of the elements prescribed under the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act, plus elements outlined in section 5(b), for the specific purpose of managing all storm water flows within the watershed.

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

"COUNTY." A COUNTY OF THE SECOND CLASS, SECOND CLASS A OR

1 COUNTY OF THE SECOND CLASS A THAT HAS ADOPTED A HOME RULE
2 CHARTER.

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

5 "Flow standard." The measured quantity, quality, velocity
6 and direction of storm water.

7 "Infiltration." The flow or movement of surface water into
8 or through the soil, where it is absorbed by plant roots,
9 evaporated into the atmosphere or percolates downward to
10 recharge groundwater.

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

14 "NEW LAND DEVELOPMENT." ANY PROPERTY UNDER DEVELOPMENT FOR
15 THE PURPOSE OF CREATING RESIDENTIAL BUILDING LOTS THAT HAS BEEN
16 GRANTED A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
17 PERMIT.

18 "NPDES." National Pollutant Discharge Elimination System.

19 "Recharge." The process by which water is absorbed and is
20 added to the zone of saturation of a groundwater aquifer. Also,
21 the quantity of water that is added to the zone of saturation.

22 "Regional storm water facility." A storm water facility
23 which is located in, is financed by or serves more than one
24 municipality in a watershed.

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

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

29 "Storm water facility." A natural feature or man made
30 facility that collects, detains, retains, conveys, treats or

1 allows infiltration of storm water or subsurface drainage.

2 "Subsurface drainage." Drainage runoff which occurs below
3 the surface of the ground resulting from precipitation, snow or
4 ice melt occurring naturally or by alteration or development of
5 land.

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

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

14 Section 5. Comprehensive watershed storm water plans.

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

17 (1) The county or counties located in a watershed,
18 acting jointly or through a joint agency, may develop a
19 comprehensive watershed storm water plan as described in
20 subsection (c). If all counties in the watershed do not agree
21 to develop the plan, the plan shall assume flow standards at
22 the boundaries of the nonparticipating county or counties
23 which are consistent with the comprehensive watershed storm
24 water plan.

25 (2) Federal lands shall be included in the comprehensive
26 watershed storm water plan with the consent of the United
27 States Department of the Interior.

28 (3) State lands shall be included in the comprehensive
29 watershed storm water plan with the consent of the
30 appropriate State agency.

1 (4) The comprehensive watershed storm water plan shall
2 be generally consistent with comprehensive plans of counties
3 and municipalities enacted under the act of July 31, 1968
4 (P.L.805, No.247), known as the Pennsylvania Municipalities
5 Planning Code.

6 (5) A comprehensive plan of a county or a municipality
7 enacted under the Pennsylvania Municipalities Planning Code
8 subsequent to adoption of this act shall be generally
9 consistent with the comprehensive watershed storm water plan
10 enacted under this act that applies to the county or
11 municipality.

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

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

16 (2) Identification of existing storm water facilities in
17 the watershed, their engineering design features, their
18 ownership and maintenance responsibility.

19 (3) A flow standard common to all storm water facilities
20 within the watershed.

21 (4) Designation of locations, sizes and types of storm
22 water facilities for construction to correct existing and
23 prevent future storm water and subsurface drainage problems.
24 Any designation of locations for facilities must be generally
25 consistent with the comprehensive plans of the municipality
26 and county enacted under the Pennsylvania Municipalities
27 Planning Code.

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

30 (6) Identification of financing alternatives for storm

1 water facilities.

2 (7) A program for public information, participation and
3 education.

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

6 (9) Demonstration of general consistency with other
7 existing Federal, State, interstate, regional, county and
8 municipality environmental and land use plans.

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

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

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

17 (13) A storm water infiltration standard for groundwater
18 recharge based on soil type as developed by appropriate
19 agencies.

20 (14) Identification of other watershed storm water plans
21 which impact the planned watershed.

22 (c) Development.--Public participation in the development of
23 the comprehensive watershed storm water plan shall be provided
24 as follows:

25 (1) A comprehensive watershed storm water plan advisory
26 committee, composed of one representative appointed by the
27 governing body of each municipality in the plan, county and
28 county soil and water conservation district in the watershed
29 and other agencies and groups, as deemed necessary by the
30 agency, which shall be established to advise the agency

1 throughout the process.

2 (2) Prior to adoption, the plan shall be reviewed by the
3 official planning agency and governing body of each
4 municipality and county and by each regional planning agency
5 in the watershed, for general consistency with other plans
6 and programs affecting the watershed. All such reviews and
7 the agency's responses shall be submitted to the department
8 with the plan, at the time a review of the plan is requested
9 from the department.

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

13 (d) Adoption.--Adoption or amendment of the comprehensive
14 watershed storm water plan shall be by resolution of the
15 governing body or bodies of the agency or agencies identified in
16 subsection (a), which have authorized development of the plan.

17 (e) Recommendation by department.--The following shall
18 apply:

19 (1) Prior to adoption or substantive amendment, a
20 comprehensive watershed storm water plan shall be submitted
21 to the department for review. The department shall recommend
22 adoption of the plan if it determines that it is consistent
23 with the practice and intent of the following:

24 (i) Municipality flood plain management plans.

25 (ii) State programs which regulate dams,
26 encroachments, water obstructions, erosion and
27 sedimentation.

28 (iii) Federal and State flood control and water
29 quality programs.

30 (iv) Other watershed storm water plans which impact

1 the planned watershed.

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

4 (2) Unless the department recommends adoption,
5 nonadoption or conditional adoption of the plan within three
6 months of receipt, it will be deemed acceptable as submitted.

7 Section 6. Implementation of comprehensive watershed storm
8 water plan.

9 (a) Revision of ordinances.--A municipality shall revise its
10 ordinances and regulations to conform with the requirements of
11 the comprehensive watershed storm water plan applicable to the
12 municipality.

13 (b) Infrastructure implementation.--Infrastructure
14 improvements under a comprehensive watershed storm water plan
15 may be implemented through any of the following:

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

19 (2) One or more municipalities in the watershed may
20 request that the county or counties in the watershed assume
21 responsibility for implementation of the plan. The county or
22 counties may assume responsibility for implementation of the
23 plan and operational authority for the storm water facilities
24 as provided for in the plan, but only for municipalities
25 which agree to allow the county or counties to assume
26 implementation responsibilities.

27 (3) If two-thirds of the municipalities, representing at
28 least 51% of the population within the watershed, through
29 adoption of resolutions of their governing bodies, request
30 that the county or counties in the watershed assume

responsibility for implementation of the plan, then the county or counties shall assume such responsibility.

(c) Exercise of local authority.--A county or counties or municipalities which have assumed responsibility for implementation of the comprehensive watershed storm water plan shall have the right to exercise authority by any of the following methods:

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

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

~~(d) Powers. Municipalities exercising the authority to implement the comprehensive watershed storm water plan under subsection (b)(1) may exercise the following powers:~~

~~(1) Deny any landowner in a municipality use of the storm water facilities constructed pursuant to the plan unless the landowner complies with the ordinances adopted under this act by the municipality.~~

~~(2) Install necessary storm water facilities on private property if the landowner does not comply with the ordinances adopted under this act by the municipality requiring installation of storm water facilities for activities on the landowner's property, and assess costs against such landowner, which costs shall be recoverable in the same manner as assessments under section 7.~~

~~(e) (D) Ceding of authority.--Ceding of authority shall be conducted as follows:~~

1 (1) Storm water facilities on private lands may be ceded
2 to the agency at the agency's discretion. Whether ceded or
3 not, the facilities shall be required to meet the design
4 standards required under the comprehensive watershed storm
5 water plan.

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

8 ~~(f)~~ (E) Fee authorization.--The county may levy an annual <—
9 storm water fee on real property to pay for all costs associated
10 with implementation under this section as defined in section 7.
11 The annual storm water fee may be countywide or may be
12 implemented in phases which reflect the implementation of the
13 comprehensive watershed storm water plan.

14 ~~(g)~~ (F) Reimbursement of implementation and maintenance <—
15 costs.--The following shall apply to reimbursement:

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

19 (2) Reimbursement shall not include costs related to
20 sanitary sewage facilities.

21 (3) The municipality may delay implementation of the
22 comprehensive watershed storm water plan until the county
23 provides for reimbursement to the municipality for costs
24 covered under this subsection.

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

27 ~~(h)~~ (G) Design criteria and standards.--The comprehensive <—
28 watershed storm water plan shall dictate the engineering design
29 and standard for any storm water facility implemented under this
30 section and the county shall have no responsibility to reimburse

1 the cost of any facility not meeting the design criteria.

2 ~~(i)~~ (H) Maintenance of storm water facilities.--Continuing <—
3 maintenance of storm water facilities shall be the
4 responsibility of the party implementing the facility under
5 subsection (b)(1) and (2) unless there is specific agreement
6 otherwise between the agency and the implementing party.

7 Section 7. Powers and duties of county.

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

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

21 (i) Shall be ~~assessed~~ on real property in the <—
22 watershed as follows:

23 ~~(A) The fee may be a flat fee or may be based on~~ <—
24 ~~the value of the real property.~~

25 ~~(B) Commercial and industrial property may be~~
26 ~~assessed through a flat fee based upon impervious~~

27 (A) THE FEE FOR RESIDENTIAL PROPERTY MAY BE A <—
28 FLAT FEE.

29 (B) THE FEE FOR COMMERCIAL AND OTHER
30 NONRESIDENTIAL PROPERTY MAY BE IMPOSED THROUGH A

1 CHARGE BASED UPON IMPERVIOUS surface coverage.

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

26 (D) NEW LAND DEVELOPMENT THAT HAS BEEN GRANTED <—
27 AN NPDES PERMIT FOR MANAGING STORM WATER THROUGH
28 PRIVATELY CONSTRUCTED AND OPERATED STORM WATER
29 FACILITIES SHALL NOT BE CHARGED THE FEE OR REQUIRED
30 TO COMPLY WITH PROVISIONS OF THE COMPREHENSIVE

1 WATERSHED STORM WATER PLAN UNTIL SUCH TIME AS THE
2 BUILDING LOTS ARE CONVEYED TO THE ULTIMATE OWNER.

3 ~~(ii) Shall be added to the annual real estate tax~~ <—
4 ~~authorized and collected under, as appropriate, the act~~
5 ~~of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to~~
6 ~~as the Sterling Act, the act of July 28, 1953 (P.L.723,~~
7 ~~No.230), known as the Second Class County Code or the act~~
8 ~~of August 9, 1955 (P.L.323, No.130), known as The County~~
9 ~~Code.~~

10 (II) SHALL BE COLLECTED BY THE PERSON, OFFICE OR <—
11 BUREAU THAT COLLECTS TAXES IMPOSED ON REAL PROPERTY BY
12 THE COUNTY. THE FEE SHALL BE LISTED AS AN ADDITIONAL AND
13 SEPARATE ITEM ON THE BILL FOR THE COLLECTION OF COUNTY
14 REAL ESTATE TAXES. AT THE TIME THAT THE COUNTY DELIVERS
15 THE DUPLICATE OF THE TAX ROLL, THE COUNTY SHALL PROVIDE
16 TO THE PERSON, OFFICE OR BUREAU THAT COLLECTS COUNTY REAL
17 ESTATE TAXES A LIST IDENTIFYING THE PROPERTIES AGAINST
18 WHICH A FEE IS IMPOSED AND THE AMOUNT OF THE FEE.

19 (iii) Shall not exceed the cost of preparation or
20 implementation of the plan, which may include
21 administrative, operating and maintenance expenses and
22 the payment of principal and interest on its obligations.

23 (2) Make expenditures necessary to prepare and implement
24 the plan.

25 (3) Deposit the revenues collected under this section in
26 a dedicated receipts account to be used for the exclusive
27 purpose of development and/or implementation of the plan.

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

1 ~~(5) Levy and collect benefit assessments upon the~~ <—
2 ~~properties within the watershed for the purpose of acquiring~~
3 ~~or constructing regional storm water facilities, which~~
4 ~~properties, in its judgment, are especially benefited thereby~~
5 ~~whether they abut such facilities or not, according to such~~
6 ~~rule as the agency adopts, subject to the right of appeal.~~
7 ~~These assessments may include a proportionate share of the~~
8 ~~cost of any part of the regional storm water facility,~~
9 ~~including the cost of preliminary studies and surveys,~~
10 ~~detailed working plans and specifications, acquisition of~~
11 ~~necessary land or property or an interest therein, damage~~
12 ~~awards, construction costs, interest charges during~~
13 ~~construction, legal or other fees or any other expense~~
14 ~~incidental to the completion of the work. In assessing~~
15 ~~benefits and apportioning the amount to be raised among the~~
16 ~~properties benefited, the agency may give consideration to~~
17 ~~the area, to assessed real estate value, to present or~~
18 ~~permitted use of the benefited properties and to any other~~
19 ~~relevant factors. Revenue from the assessment of benefits~~
20 ~~shall be used solely for the costs listed in this paragraph.~~
21 ~~No assessment shall be made against any property in excess of~~
22 ~~the special benefit to accrue to such property.~~

23 ~~(6)~~ (5) Borrow money, make and issue negotiable notes, <—
24 bonds, refunding bonds, and other evidences of indebtedness
25 or bonds of the agency, the bonds to have a maturity date not
26 longer than 40 years from the date of issue.

27 ~~(7)~~ (6) Secure payment of the bonds or any part thereof <—
28 by pledge or deed of trust of all or any of its revenues and
29 receipts, and to make such agreements with the purchasers or
30 holders of such bonds or with others in connection with any

1 such bonds, whether issued or to be issued.

2 ~~(8)~~ (7) Borrow money and issue such notes, bonds and <—
3 other indebtedness and obligations jointly with any adjoining
4 state, as the agency shall deem advisable and, in general, to
5 provide for the security for the bonds and the rights of the
6 holders thereof and in respect to any storm water facility
7 constructed and operated under agreement with any such
8 agency. Any agency may enter into any deed of trust,
9 indenture or other agreement with any bank or trust company
10 or other person or persons in the United States having power
11 to enter into the same, including any Federal agency, as
12 security of such bonds and may assign and pledge all or any
13 of the revenue of receipts of the agency thereunder. Such
14 deed of trust, indenture or agreement may contain such
15 provisions as may be customary in such instruments or as the
16 agency may authorize, including, but not limited to, the
17 following:

18 (i) The construction, improvement, operation,
19 maintenance and repair of any storm water facility and
20 the duties of the agency with reference thereto.

21 (ii) The application of funds and the safeguarding
22 of funds on hand or on deposit.

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

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

28 ~~(9)~~ (8) Use any available Federal or State funds, and <—
29 any other funds, and set up accounts as are necessary to
30 implement the provisions of this act.

1 ~~(10)~~ (9) Develop design details for the storm water <—
2 facilities to be implemented in accordance with the approved
3 plan.

4 ~~(11)~~ (10) Plan for capital facilities, including the <—
5 development of maintenance schedules.

6 ~~(12)~~ (11) Review and comment on the location, design and <—
7 construction within the watershed of facilities, owned or
8 financed, in whole or in part, by funds from the
9 Commonwealth, including storm water facilities, obstruction,
10 flood control projects, highways and transportation
11 facilities, and facilities for the provision of public
12 utility service, to assure their consistency with the plan.
13 The county shall review and take action on such submissions
14 concurrent with the review period as provided in Article V of
15 the act of July 31, 1968 (P.L.805, No.247), known as the
16 Pennsylvania Municipalities Planning Code.

17 ~~(13)~~ (12) Inspect storm water facilities for adherence <—
18 to plans and construction and maintenance standards.

19 ~~(14)~~ (13) Provide for routine maintenance. <—

20 ~~(15)~~ (14) Construct regional storm water facilities. <—

21 ~~(16)~~ (15) Cooperate with emergency response and relief <—
22 agencies.

23 ~~(17)~~ (16) Provide for public comment on any project <—
24 involving the construction of capital facilities.

25 (b) Other requirements.--The powers and duties under this
26 section in no way relieve persons engaged in the alteration or
27 development of land of the responsibility to comply with the
28 requirements of storm water ordinances of municipalities, the
29 approved comprehensive watershed storm water plan and the
30 requirements of the act of October 4, 1978 (P.L.864, No.167),

1 known as the Storm Water Management Act.

2 (c) Objections.--Any resident, owner of real property or
3 person in the watershed questioning the rate fixed by the county
4 or the adequacy, safety and reasonableness of the agency's
5 services, including extensions of service thereof, shall first
6 raise such objections with the county or the agency, as the case
7 may be. After exhausting their administrative remedies, such
8 persons may bring suit against the agency in the court of common
9 pleas of the county in which the principal office of the agency
10 is located.

11 SECTION 8. IMPOSING FEES ON TAX-EXEMPT PROPERTY. <—

12 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B),
13 REAL PROPERTY THAT IS EXEMPT FROM THE PAYMENT OF REAL ESTATE TAX
14 SHALL BE SUBJECT TO THE FEES AND CHARGES IMPOSED IN ACCORDANCE
15 WITH THIS ACT.

16 (B) EXEMPT PROPERTY.--THE FOLLOWING PROPERTY SHALL BE EXEMPT
17 FROM THE FEES IMPOSED BY THIS ACT:

18 (1) PROPERTY OWNED BY THE COMMONWEALTH AND ITS AGENCIES.

19 (2) PROPERTY OWNED BY A POLITICAL SUBDIVISION.

20 (3) PROPERTY OWNED BY A LOCAL AUTHORITY.

21 Section 9. Duties of municipalities in regulating development <—
22 of land.

23 (a) Regulation.--A municipality shall regulate development
24 activities consistent with any applicable approved comprehensive
25 watershed storm water plan.

26 (b) Enforcement.--Nothing in this act shall prohibit a
27 municipality or county from enforcing any zoning, subdivision or
28 land development ordinance which the municipality or county has
29 adopted.

30 Section 10. Entry upon land for surveys and examinations. <—

1 Designated representatives of the agency, upon serving a
2 reasonable notice, may enter upon lands in the watershed to make
3 surveys and examinations to accomplish the necessary purposes of
4 the agency or to have access to storm water facilities.

5 Section ~~10~~ 11. Powers and duties of department and

<—

6 Environmental Quality Board.

7 (a) Technical assistance.--Upon request of a county or
8 municipality, the department shall provide technical assistance
9 as required for the purposes of this act. The department may
10 prepare and issue such advisory guidelines as may be appropriate
11 to assist in the implementation of this act.

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

15 (c) Environmental Quality Board.--The Environmental Quality
16 Board shall adopt such rules and regulations of the department
17 as are necessary and appropriate to carry out the purposes of
18 this act.

19 Section ~~11~~ 12. Permits.

<—

20 The department, the Environmental Quality Board and other
21 Commonwealth departments and agencies and county and municipal
22 governments and agencies shall make decisions with respect to
23 issuance of permits that are generally consistent with
24 comprehensive watershed storm water plans enacted under this
25 act.

26 Section ~~12~~ 13. Preservation of existing rights and remedies.

<—

27 The taking of any action under the provisions of this act
28 shall not be construed as estopping the Commonwealth or any
29 county, municipality or aggrieved person from proceeding in
30 courts of law or equity to abate nuisances under existing law or

1 to restrain, at law or in equity, a violation of this act.

2 Section ~~13~~ 14. Grants. <—

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

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

15 SECTION 15. WAIVER OF USE OF GRANT AND LOAN FUNDS. <—

16 A MUNICIPALITY OR AUTHORITY RECEIVING GRANTS OR LOANS FROM
17 THE COMMONWEALTH OR ITS AGENCIES FOR THE CONSTRUCTION OR REPAIR
18 OF ANY STORM WATER FACILITY OR FLOOD CONTROL PROJECTS WHERE THE
19 COMMONWEALTH'S FUNDS ARE RESTRICTED FROM PAYING FOR THE
20 ACQUISITION OF PROPERTY, A RIGHT-OF-WAY OR PROPERTY REMOVAL OR
21 DEMOLITION NECESSARY FOR THE COMPLETION OF A PROJECT, MAY
22 RECEIVE A WAIVER TO SPEND UP TO 5% OF THE GRANT OR LOAN FOR
23 THESE ACTIVITIES UPON THE APPROVAL OF THE APPROPRIATE
24 COMMONWEALTH AGENCY.

25 ~~Section 14. Applicability.~~ <—

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

27 Section ~~15~~ 16. Effective date. <—

28 This act shall take effect in 60 days.