

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 101 Session of
2007

INTRODUCED BY MUSTO, BOSCOLA, COSTA, STOUT, D. WHITE, FONTANA,
RAFFERTY, ERICKSON, O'PAKE, WOZNIAK, RHOADES AND FERLO,
MARCH 2, 2007

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 2, 2007

AN ACT

1 Authorizing the incurring of indebtedness, with the approval of
2 the electors, of \$1,000,000,000 for the control of discharges
3 from combined sewer overflows; and establishing the Combined
4 Sewer Overflow Grant Program under the administration of the
5 Pennsylvania Infrastructure Investment Authority.

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 Combined
10 Sewer Overflow Control Act.

11 Section 2. Legislative findings.

12 The General Assembly hereby finds and declares as follows:

13 (1) A combined sewer system by design and by function
14 carries both sanitary sewage and storm water.

15 (2) A combined sewer overflow (CSO) consists of a
16 mixture of domestic sewage, industrial and commercial
17 wastewaters and storm water runoff.

18 (3) CSOs often contain high levels of suspended solids,
19 pathogenic microorganisms, toxic pollutants, floatables,

1 nutrients, oxygen-demanding organic compounds, oil and grease
2 and other pollutants.

3 (4) CSOs can cause exceedances of water quality
4 standards.

5 (5) Such exceedances may pose risks to human health,
6 threaten aquatic life and its habitat and impair the use and
7 enjoyment of Pennsylvania's waterways.

8 (6) Pennsylvania has hundreds of CSO outfalls located
9 throughout this Commonwealth.

10 (7) Controlling and eliminating CSOs will cost
11 municipalities millions of dollars.

12 (8) Current funding sources for the control and
13 elimination of CSOs are insufficient to assist municipalities
14 in meeting CSO control mandates.

15 Section 3. Purpose.

16 It is the purpose of this act to establish a grant program to
17 assist municipalities in addressing the impacts of combined
18 sewer overflows.

19 Section 4. Definitions.

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

23 "Authority." The Pennsylvania Infrastructure Investment
24 Authority established under the act of March 1, 1988 (P.L.82,
25 No.16), known as the Pennsylvania Infrastructure Investment
26 Authority Act.

27 "Board." The board of directors of the Pennsylvania
28 Infrastructure Investment Authority.

29 "Combined sewage overflow." A point source discharge from a
30 municipal sewage system that combines sanitary wastewaters and

1 storm waters.

2 "Eligible cost." The cost of all labor, materials, necessary
3 operational machinery and equipment, land rights-of-way and
4 easements necessary for the control and elimination of combined
5 sewer overflows.

6 "Grant." A direct payment from the Pennsylvania
7 Infrastructure Investment Authority to a municipality for the
8 payment of eligible costs as authorized by this act.

9 "Municipality." A county, city, borough, incorporated town,
10 township, home rule municipality and any municipal authority
11 responsible for the provision of sewage treatment services to a
12 municipality.

13 "Program." The Combined Sewer Overflow Grant Program
14 established under this act.

15 Section 5. Approval of debt incurrence by electors.

16 The question of incurring indebtedness of \$1,000,000,000 for
17 grants for the cost of all labor, materials, necessary
18 operational machinery and equipment, land, rights-of-way and
19 easements necessary for the control and elimination of combined
20 sewer overflows shall be submitted to the electors at the next
21 primary, municipal or general election following enactment of
22 this act.

23 Section 6. Certification.

24 The Secretary of the Commonwealth shall certify the question
25 under section 5 to the county boards of elections.

26 Section 7. Form of question.

27 The question under section 5 shall be in substantially the
28 following form:

29 Do you favor the incurring of indebtedness by the
30 Commonwealth of \$1,000,000,000 for grants to

1 municipalities for the cost of all labor, materials,
2 necessary operational machinery and equipment, land,
3 rights-of-way and easements necessary for the control
4 and elimination of combined sewer overflows to
5 improve water quality in this Commonwealth?

6 Section 8. Election.

7 The election shall be conducted in accordance with the act of
8 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
9 Election Code.

10 Section 9. Proceeds.

11 (a) Use.--Proceeds of borrowing shall be deposited in a
12 special fund in the State Treasury and shall be used for grants
13 by the Pennsylvania Infrastructure Investment Authority for the
14 control and elimination of combined sewer overflows.

15 (b) Appropriation.--The proceeds of all bonds sold under
16 this act are hereby appropriated on a continuing basis to the
17 Pennsylvania Infrastructure Investment Authority for the purpose
18 of making grants under this act.

19 Section 10. Combined Sewer Overflow Grant Program.

20 The Combined Sewer Overflow Grant Program is established to
21 provide grants for eligible costs to municipalities for the
22 acquisition, construction, repair, rehabilitation and
23 improvement of water supply and sewage treatment systems. The
24 program shall be administered by the board.

25 Section 11. Powers and duties of board.

26 (a) General rule.--The board shall implement and administer
27 the grant program under section 10 in conformity with the
28 provisions of section 10 of the act of March 1, 1988 (P.L.82,
29 No.16), known as the Pennsylvania Infrastructure Investment
30 Authority Act.

(b) Specific powers of board.--In addition to any powers under subsection (a), the board shall have the power to:

(1) Develop forms of applications for grants.

(2) Fix priorities for the awarding of grants.

(3) Ensure that any municipality which receives a grant is not awarded a second or subsequent grant.

(4) Promulgate regulations which implement the provisions of this act.

(5) Take all other actions necessary to implement and administer the provisions of this act.

Section 12. Grants.

(a) Utilization.--A grant awarded under this act shall be used only for the elimination and control of combined sewer overflows in a sewage treatment system which is owned or operated by a municipality.

(b) Limitations.--No grant awarded under this act shall be used to repair, rehabilitate or improve any sewage treatment system located on private property.

(c) Monetary limitation on grants.--The board shall have no power to award any grant that exceeds the limits in this subsection. The monetary limits are as follows:

(1) For a sewage collection, conveyance and treatment system that has an annual average daily flow greater than 50,000,000 gallons per day, \$35,000,000.

(2) For a sewage collection, conveyance and treatment system that has an annual average daily flow greater than 20,000,000 gallons per day and less than 50,000,000 gallons per day, \$25,000,000.

(3) For a sewage collection, conveyance and treatment system that has an annual average daily flow greater than

1 10,000,000 gallons per day and less than 20,000,000 gallons
2 per day, \$20,000,000.

3 (4) For a sewage collection, conveyance and treatment
4 system that has an annual average daily flow greater than
5 1,000,000 gallons per day and less than 10,000,000 gallons
6 per day, \$15,000,000.

7 (5) For a sewage collection, conveyance and treatment
8 system that has an annual average daily flow less than
9 1,000,000 gallons per day, \$10,000,000.

10 Section 13. Effective date.

11 This act shall take effect immediately.