

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2485 Session of 2018

INTRODUCED BY ENGLISH, CARROLL, CHARLTON, FREEMAN, C. QUINN, KINSEY, THOMAS, FRANKEL, BARRAR, WARREN, NEILSON, McNEILL, M. QUINN, DiGIROLAMO, O'BRIEN, McCARTER, CALTAGIRONE, BERNSTINE, A. HARRIS, MILLARD, HARPER, SCHLOSSBERG, RAVENSTAHL, MURT, BRIGGS, PASHINSKI, DEASY, SANTORA, DRISCOLL, WARD, P. COSTA, READSHAW, KAVULICH, SCHWEYER, COMMITTA, JAMES, ROZZI, RADER, DeLUCA, EVERETT, LONGIETTI, TOEPEL, D. MILLER, MATZIE, SOLOMON, MENTZER, PETRI, DALEY, ROE, KRUEGER-BRANEKY, MADDEN, BULLOCK, HANNA, ZIMMERMAN, D. COSTA, WATSON, BOBACK, GILLESPIE, BARBIN, MARSHALL, MULLERY, ROEBUCK, SCHLEGEL CULVER, HEFFLEY, LEWIS, GILLEN, GALLOWAY, HELM, HAGGERTY, STAATS, DAVIDSON, FARRY, COOK, MEHAFFIE, HILL-EVANS, HARKINS, DAVIS, B. O'NEILL, SIMS, KIM, SNYDER, KULIK, GAINEY, GERGELY, CORBIN, SANKEY, CONKLIN, DAY, ROTHMAN, M. K. KELLER, DEAN, MILNE, J. HARRIS, HENNESSEY, WHEATLEY, MARKOSEK, BIZZARRO, FLYNN, DAWKINS, BURNS, KAUFER, VITALI, KORTZ, FABRIZIO, WALSH, STEPHENS, WHEELAND, JOZWIAK AND STURLA, JUNE 12, 2018

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 12, 2018

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
 2 Consolidated Statutes, in environmental stewardship and
 3 watershed protection, further providing for legislative
 4 findings, for the Environmental Stewardship Fund, for
 5 agencies and for Commonwealth indebtedness and establishing
 6 duties for the Department of Community and Economic
 7 Development, the Pennsylvania Fish and Boat Commission, the
 8 Pennsylvania Game Commission and the Pennsylvania Historical
 9 and Museum Commission.

10 The General Assembly of the Commonwealth of Pennsylvania
 11 hereby enacts as follows:

12 Section 1. Section 6102 of Title 27 of the Pennsylvania
 13 Consolidated Statutes is amended to read:

1 § 6102. Legislative findings.

2 The General Assembly hereby determines, declares and finds as
3 follows:

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

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

13 (3) The Commonwealth owns approximately 2.4 million
14 acres of State park and State forest lands and many of these
15 lands suffer from past environmental problems, including
16 unreclaimed mines, acid mine drainage and abandoned oil and
17 gas wells.

18 (4) Open space, greenways, recreational trails, river
19 corridors, fish and wildlife habitats, parks and recreation
20 areas and scenic environments protect the environment,
21 conserve natural resources and add value to communities.

22 (5) State programs and State funding should provide
23 maximum flexibility for elected county and municipal
24 governmental officials to identify, prioritize and address
25 local environmental concerns, including odor abatement
26 problems at sewage treatment plants.]

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

29 The people have a right to clean air, pure water, and to
30 the preservation of the natural, scenic, historic and

1 esthetic values of the environment. Pennsylvania's public
2 natural resources are the common property of all the
3 people, including generations yet to come. As trustee of
4 these resources, the Commonwealth shall conserve and
5 maintain them for the benefit of all the people.

6 (2) The Commonwealth has an obligation to provide
7 greater investments to conserve land and water resources,
8 restore damaged waterways and land, and create prosperous and
9 sustainable communities.

10 (3) Clean water is vital:

11 (i) to the continued economic growth of this
12 Commonwealth;

13 (ii) to support tourism, agriculture, industry,
14 power generation and recreation;

15 (iii) for drinking water supplies; and

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

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

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

23 (6) This Commonwealth continues to have water and sewer
24 infrastructure needs. New and improved water sources,
25 treatment and distribution systems are necessary for public
26 drinking water supplies.

27 (7) As noted in the Commonwealth's award-winning 2014-
28 2019 Pennsylvania Statewide Comprehensive Outdoor Recreation
29 Plan, our 5,600 local parks and recreation areas are the most
30 frequently visited recreational assets in this Commonwealth,

1 and most need additional funding to address aging
2 infrastructure, deferred maintenance and capacity to carry
3 out programs and services.

4 (8) The Commonwealth holds approximately 2.5 million
5 acres of Federal and State forest lands. Our State park
6 system has estimated many of these parks have environmental
7 projects and infrastructure and deferred maintenance needs,
8 such as dams, roads, bridges, water and wastewater treatment
9 facilities, buildings and boat launches.

10 (9) Conservation of public and private forest lands is a
11 cost-effective method for protecting water quality. Forest
12 lands function as a reserve of clean water for this
13 Commonwealth, including municipalities that rely on public
14 water supplies drawn from water resources on public and
15 private forested properties. Forest lands act as groundwater
16 recharge areas, protect surface water quality, reduce soil
17 erosion, enhance fish and wildlife habitats and provide
18 opportunities for fishing, boating, hunting and trapping.

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

22 (11) Approximately 2,000 working farms remain on county
23 waiting lists to be preserved for continued agricultural use.

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

30 (13) Investments in urban parks, trails, greenways,

1 riverfronts, green infrastructure and other natural assets
2 are increasingly understood to be advantageous to local
3 economies, attracting and retaining residents and providing
4 opportunities to creatively address significant challenges
5 such as storm water and flooding.

6 (14) State programs and State funding should provide
7 opportunity and flexibility for elected county and municipal
8 government officials and authorized organizations to
9 identify, prioritize and address local environmental
10 concerns.

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

13 § 6104. Fund.

14 * * *

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

17 * * *

18 (6) For fiscal [year 2007-2008 and each year thereafter]
19 years 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012,
20 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017,
21 moneys in the fund shall be allocated in accordance with
22 paragraph (2).

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

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

28 (A) At least 50% for grants for projects of
29 which the recipient is a county or other
30 municipality, council of governments, conservation

1 district or authorized organization.

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

3 (C) At least 4.5% for the Heritage Areas
4 Program.

5 (D) For fiscal years 2017-2018, 2018-2019, 2019-
6 2020, 2020-2021, 2021-2022 and 2022-2023, at least
7 30% for projects and programs located within the
8 watershed of the Susquehanna River and its
9 tributaries.

10 (ii) Thirty-eight and two-tenths percent to the
11 Department of Environmental Protection, which, for fiscal
12 years 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-
13 2022 and 2022-2023, shall use at least 40% of its funds
14 for projects and programs within the watershed of the
15 Susquehanna River and its tributaries.

16 (iii) Nineteen and seven-tenths percent to the
17 Department of Agriculture, which shall use the allocation
18 as follows:

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

21 (B) For fiscal years 2017-2018, 2018-2019, 2019-
22 2020, 2020-2021, 2021-2022 and 2022-2023, at least
23 40% for projects and programs located within the
24 watershed of the Susquehanna River and its
25 tributaries.

26 (iv) Four and six-tenths percent to the authority,
27 which, for fiscal years 2017-2018, 2018-2019, 2019-2020,
28 2020-2021, 2021-2022 and 2022-2023, shall use at least
29 40% of its funds for projects and programs located within
30 the watershed of the Susquehanna River and its

1 tributaries.

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

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

6 (vii) One and three-tenths percent to the
7 Pennsylvania Game Commission.

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

10 * * *

11 Section 3. Sections 6105 and 6115(d)(4) of Title 27 are
12 amended to read:

13 § 6105. Agencies.

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

15 (1) The Department of Conservation and Natural Resources
16 shall utilize money it receives from the fund for the
17 following purposes:

18 (i) To rehabilitate, repair and develop State park
19 and State forest lands and facilities and the acquisition
20 of [interior] lands [within] for State parks and State
21 forests.

22 (ii) To provide grants to a county or other
23 municipality, council of governments, conservation
24 districts and authorized organizations for the purpose of
25 planning, education, acquisition, development,
26 rehabilitation and repair of greenways, recreational
27 trails, including connections between trails, open space,
28 natural areas, river corridors and access to riverfronts,
29 watersheds, community [and heritage] parks and recreation
30 facilities; community conservation and beautification

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

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

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

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

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

30 (2) The Department of Conservation and Natural Resources

1 may require matching funds as a condition of the award of a
2 grant under this subsection.

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

4 (1) The Department of Environmental Protection shall
5 utilize money it receives from the fund for the following
6 purposes:

7 (i) To implement acid mine drainage abatement and
8 cleanup efforts and abandoned mine land cleanup efforts
9 and plug abandoned and orphan oil and gas wells.

10 (ii) To provide funding for technical assistance and
11 financial incentives to facilitate reining.

12 (iii) To provide grants to a county or other
13 municipality, council of governments, county conservation
14 districts, watershed organizations and other authorized
15 organizations for acid mine drainage abatement and
16 cleanup, mine and mine land cleanup efforts and well
17 plugging.

18 (iv) To provide grants and technical assistance to a
19 county or other municipality, council of governments,
20 county conservation districts, watershed organizations
21 and other authorized organizations to plan and implement
22 local watershed-based conservation efforts.

23 (v) To improve water-quality-impaired watersheds,
24 including those polluted by past mining activities,
25 agricultural and urban runoff, atmospheric deposition,
26 on-lot sewage systems and earthmoving activities.

27 (vii) For watershed protection.

28 (viii) For the reduction of nonpoint source
29 pollution and protection of local drinking water supplies
30 through grants to watershed organizations and other

1 authorized organizations, the creation of forested and
2 other vegetative stream buffers and watershed restoration
3 efforts, including, but not limited to, reducing runoff
4 from agriculture, construction, waste disposal and
5 abandoned mine and mine land sites.

6 (ix) For grants to characterize, remediate or
7 eliminate environmental hazards at abandoned industrial
8 properties or brownfields and to promote economic
9 development by facilitating the return of these
10 properties to productive use.

11 (x) For nonstructural floodplain management and
12 mitigation measures to minimize flood damage, reclaim and
13 restore the quality of floodplains, remove obstacles and
14 improve the natural functions of stream channels.

15 (xi) For grants to municipalities and municipal
16 authorities to design and build projects and implement
17 best management practices, with an emphasis on green
18 infrastructure, in order to implement Municipal Separate
19 Storm Sewer System (MS4) plans or which count toward the
20 reductions identified in the Pennsylvania Integrated
21 Water Quality Monitoring and Assessment Report, implement
22 Total Maximum Daily Load Plans or the Chesapeake Bay
23 Total Maximum Daily Load requirements.

24 (xii) For the Pennsylvania Energy Harvest Program
25 for the purpose of providing grants to farms and small
26 businesses for renewable energy systems, including, but
27 not limited to, those using solar, wind and methane
28 digester technologies.

29 (xiii) For funding to participating county
30 conservation districts to assist the owners of farms and

1 other properties in protecting local water quality and
2 improving the soil, water and air through the
3 installation and maintenance of best maintenance
4 practices.

5 (2) County conservation districts may further distribute
6 grants received under this section to watershed organizations
7 and other authorized organizations to assist in the
8 implementation of this chapter.

9 (3) The Department of Environmental Protection may
10 require matching funds as a condition of the award of a grant
11 under this subsection.

12 (4) For the period commencing with the effective date of
13 this chapter and ending June 30, 2004, the Department of
14 Environmental Protection may utilize up to 10% of the money
15 allocated annually to it under section 6104(d) (relating to
16 fund) to provide grants for safe drinking water projects and
17 wastewater treatment projects. Grants under this paragraph
18 shall be made for the same purposes and shall be subject to
19 the same limitations as grants authorized in section 6110.

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

23 (1) For counties to preserve farmland through the
24 Agricultural Conservation Easement Purchase Fund [and are]
25 subject to the provisions of the act of June 30, 1981
26 (P.L.128, No.43), known as the Agricultural Area Security
27 Law.

28 (2) For grants to authorized organizations to preserve
29 farmland through the acquisition of conservation easements
30 conforming with section 170(h) of the Internal Revenue Code

1 of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)).

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

9 (4) To provide funding and technical assistance, in
10 cooperation with the State Conservation Commission, to assist
11 the owners of farms and other properties in protecting local
12 water quality and in improving the quality of the soil, water
13 and air through the installation and maintenance of best
14 management practices. Fifty percent of the funding
15 distributed under this paragraph shall be provided to
16 participating county conservation districts.

17 (5) To encourage new farmers and assure the viability of
18 preserved farms by creating financial incentives and
19 enhancing access to farmland and capital through a low-
20 interest loan program administered by the Department of
21 Agriculture.

22 (d) The authority.--The authority shall utilize money it
23 receives from the fund to provide financial assistance in the
24 form of grants and matching grants for storm water, water and
25 sewer infrastructure projects, including construction or
26 rehabilitation of collection and conveyance systems. The
27 authority shall develop criteria to be used to award grants
28 under this subsection. The criteria and proposed changes thereto
29 shall be submitted to the Environmental Resources and Energy
30 Committee of the Senate and the Environmental Resources and

1 Energy Committee of the House of Representatives for review and
2 comment. The committees shall have 60 days to submit comments to
3 the authority. Criteria shall be reviewed by the authority and
4 the committees at least once every three years.

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

6 (1) The Department of Community and Economic Development
7 shall utilize money it receives from the fund for the
8 following purposes:

9 (i) For grants to fund grassroots community and
10 regional planning efforts that support wise land use
11 decisions by balancing development needs with
12 conservation, recreation and preservation needs.

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

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

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

30 (2) The Department of Community and Economic Development

1 may require matching funds as a condition of the award of a
2 grant under this subsection.

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

6 (1) For improvements to public access areas owned by the
7 Pennsylvania Fish and Boat Commission or grants to
8 municipalities or organizations for the purpose of improving
9 public access to the waters of this Commonwealth.

10 (2) For maintenance and rehabilitation of dams located
11 at lakes owned by the Pennsylvania Fish and Boat Commission,
12 including the installation of habitat enhancements and
13 improved public access.

14 (3) For upgrades and improvements to State fish
15 hatcheries to maintain and improve water quality and reduce
16 operating costs.

17 (4) For grants to organizations that participate in the
18 Cooperative Nursery Program.

19 (5) For projects to improve fish and aquatic habitat,
20 including, but not limited to, instream fish habitat,
21 riparian buffers, fish passages and the removal of small
22 dams.

23 (d.3) Pennsylvania Game Commission.--Funds allocated to the
24 Pennsylvania Game Commission under this chapter shall be used
25 for the following purposes:

26 (1) To rehabilitate water control structures on State
27 game lands in order to improve wetland habitat for water fowl
28 and other wildlife and to improve water quality.

29 (2) For improvements to facilities on State game lands,
30 including, but not limited to, improved road access, enhanced

1 access for persons with disabilities and older persons and
2 the construction of two wildlife conservation education
3 centers.

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

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

26 (f) Expenditure limitation.--No moneys made available
27 through the fund shall be used for any purpose which, directly
28 or indirectly, precludes access to or use of any forested land
29 for the practice of sustainable forestry and commercial
30 production of timber or other forest products. This subsection

1 shall not apply to funds used [by the Department of Conservation
2 and Natural Resources, counties or municipalities] for the
3 purchase or improvement of park land to be used for public
4 recreation.

5 (g) Regulations.--The departments, the Pennsylvania Fish and
6 Boat Commission, the Pennsylvania Game Commission and the
7 Pennsylvania Historical and Museum Commission and the authority
8 may promulgate regulations necessary to carry out the purposes
9 of this chapter.

10 § 6115. Commonwealth indebtedness.

11 * * *

12 (d) Debt retirement.--

13 * * *

14 (4) The Secretary of the Budget, upon approval by the
15 Governor, shall utilize up to \$60,000,000 of the moneys in
16 the fund on an annual basis for payment of principle and
17 interest for debt service on bonds issued pursuant to this
18 section and any other debt incurred by the Commonwealth for
19 projects eligible for funding under this chapter. The
20 authority of the Secretary of the Budget under this paragraph
21 shall expire June 30, 2018.

22 * * *

23 Section 4. This act shall be known and may be cited as the
24 Growing Greener III Act.

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