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AN ACT

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

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

Section 1. Section 6102 of Title 27 of the Pennsylvania Consolidated Statutes is amended to read:
§ 6102. Legislative findings.

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

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

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

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

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

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

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

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and
esthetic values of the environment. Pennsylvania's public
natural resources are the common property of all the
people, including generations yet to come. As trustee of
these resources, the Commonwealth shall conserve and
maintain them for the benefit of all the people.

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

(3) Clean water is vital:
   (i) to the continued economic growth of this
Commonwealth;
   (ii) to support tourism, agriculture, industry,
power generation and recreation;
   (iii) for drinking water supplies; and
   (iv) to protect public health and aquatic life.

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

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

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

(7) As noted in the Commonwealth's award-winning 2014-
2019 Pennsylvania Statewide Comprehensive Outdoor Recreation
Plan, our 5,600 local parks and recreation areas are the most
frequently visited recreational assets in this Commonwealth,
and most need additional funding to address aging infrastructure, deferred maintenance and capacity to carry out programs and services.

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

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

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

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

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

(13) Investments in urban parks, trails, greenways,
riverfronts, green infrastructure and other natural assets are increasingly understood to be advantageous to local economies, attracting and retaining residents and providing opportunities to creatively address significant challenges such as storm water and flooding.

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

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

§ 6104. Fund.

* * *

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

* * *


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

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

(A) At least 50% for grants for projects of which the recipient is a county or other municipality, council of governments, conservation
district or authorized organization.

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

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


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

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

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


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

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

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

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

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

* * *

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

§ 6105. Agencies.

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

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

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

(ii) To provide grants to a county or other municipality, council of governments, conservation districts and authorized organizations for the purpose of planning, education, acquisition, development, rehabilitation and repair of greenways, recreational trails, including connections between trails, open space, natural areas, river corridors and access to riverfronts, watersheds, community [and heritage] parks and recreation facilities; community conservation and beautification.
projects; forest conservation[,] including conservation
of forested riparian buffers; heritage areas; and other
conservation and recreation purposes. Grants under this
paragraph may not be used by an authorized organization
for land acquisition unless the authorized organization
obtains the approval of all counties in which the land is
situated. Grant moneys may also be used for the
acquisition of farmland for the purposes set forth in
this paragraph.

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

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

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

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

(2) The Department of Conservation and Natural Resources
may require matching funds as a condition of the award of a
grant under this subsection.

(b) The Department of Environmental Protection.--

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

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

(ii) To provide funding for technical assistance and
financial incentives to facilitate remining.

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

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

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

(vii) For watershed protection.

(viii) For the reduction of nonpoint source
pollution and protection of local drinking water supplies
through grants to watershed organizations and other
authorized organizations, the creation of forested and
other vegetative stream buffers and watershed restoration
efforts, including, but not limited to, reducing runoff
from agriculture, construction, waste disposal and
abandoned mine and mine land sites.

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

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

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

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

(xiii) For funding to participating county
conservation districts to assist the owners of farms and
other properties in protecting local water quality and
improving the soil, water and air through the
installation and maintenance of best maintenance
practices.

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

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

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

(c) Department of Agriculture.--Funds allocated to the Department of Agriculture under this chapter shall be used for the following purposes:

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

(2) For grants to authorized organizations to preserve farmland through the acquisition of conservation easements conforming with section 170(h) of the Internal Revenue Code.
of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)).

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

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

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

(d) The authority.--The authority shall utilize money it receives from the fund to provide financial assistance in the form of grants and matching grants for storm water, water and sewer infrastructure projects, including construction or rehabilitation of collection and conveyance systems. The authority shall develop criteria to be used to award grants under this subsection. The criteria and proposed changes thereto shall be submitted to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Delegates.
Energy Committee of the House of Representatives for review and comment. The committees shall have 60 days to submit comments to the authority. Criteria shall be reviewed by the authority and the committees at least once every three years.

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

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

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

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

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

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

(2) The Department of Community and Economic Development
may require matching funds as a condition of the award of a grant under this subsection.

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

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

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

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

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

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

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

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

(2) For improvements to facilities on State game lands, including, but not limited to, improved road access, enhanced
access for persons with disabilities and older persons and the construction of two wildlife conservation education centers.

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

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

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

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

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

§ 6115. Commonwealth indebtedness.

* * *

(d) Debt retirement.--

* * *

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

* * *

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

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