
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2020 Session of
2022

INTRODUCED BY SCHLEGEL CULVER, QUINN, GUENST, MADDEN, SAPPEY,
MILLARD, HENNESSEY, THOMAS, LONGIETTI, PICKETT, O'MARA,
STEPHENS, BOBACK, MENTZER, STRUZZI, RADER, CIRESI, GILLESPIE,
TWARDZIK, STAATS, OWLETT, ZIMMERMAN, HEFFLEY, BROOKS, SCHMITT
AND R. BROWN, FEBRUARY 3, 2022

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 3, 2022

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 fund and for agencies.

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

7 Section 1. This act shall be known and may be cited as the
8 Growing Greener III Act.

9 Section 2. Sections 6102, 6104(b) and (d) and 6105 of Title
10 27 of the Pennsylvania Consolidated Statutes are amended to
11 read:

12 § 6102. Legislative findings.

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

15 [(1) Ninety-six percent of the water-quality-impaired
16 watersheds in this Commonwealth are polluted because of
17 nonpoint sources of pollution such as past mining activities,

1 urban and agricultural runoff, atmospheric deposition, on-lot
2 sewage systems and earthmoving.

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

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

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

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

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

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

30 (2) The Commonwealth has an obligation to provide

1 greater investments to conserve land and water resources,
2 restore damaged waterways and land, and create prosperous and
3 sustainable communities.

4 (3) Clean water is vital:

5 (i) to the continued economic growth of this
6 Commonwealth;

7 (ii) to support tourism, agriculture, industry,
8 power generation and recreation;

9 (iii) for drinking water supplies; and

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

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

15 (5) As noted in the Commonwealth's award-winning 2014-
16 2019 Pennsylvania Statewide Comprehensive Outdoor Recreation
17 Plan, our 5,600 local parks and recreation areas are the most
18 frequently visited recreational asset in this Commonwealth,
19 but most need additional funding to address aging
20 infrastructure, deferred maintenance and limited capacity to
21 carry out programs and services.

22 (6) The Commonwealth owns approximately 2.5 million
23 acres of State park and State forest lands. Our State park
24 system has estimated that many of these parks have
25 environmental projects and infrastructure and deferred
26 maintenance needs, such as dams, roads, bridges, water and
27 wastewater treatment facilities, buildings and boat launches.

28 (7) Conservation of public and private forest lands is a
29 cost-effective method for protecting water quality. Forest
30 lands function as a reserve of clean water for this

1 Commonwealth, including municipalities that rely on public
2 water supplies drawn from water resources on public and
3 private forested properties. Forest lands act as groundwater
4 recharge areas, protect surface water quality, reduce soil
5 erosion, enhance fish and wildlife habitats and provide
6 opportunities for fishing, boating, hunting and trapping.

7 (8) Abandoned mines remain across 189,000 acres in 43
8 counties and cause issues in the streams into which they
9 discharge.

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

12 (10) Open space, greenways, recreational trails, river
13 corridors, fish and wildlife habitats, parks and recreation
14 areas and scenic environments protect the environment,
15 conserve natural resources and add quality-of-life value that
16 attracts jobs, is essential to Pennsylvania outdoor
17 recreation and tourism industries and improves public health.

18 (11) State programs and State funding should provide
19 opportunity and flexibility for elected county and municipal
20 government officials and authorized organizations to
21 identify, prioritize and address local environmental
22 concerns.

23 § 6104. Fund.

24 * * *

25 (b) Sources.--

26 (1) Money appropriated by the General Assembly, interest
27 earned by the fund, penalties, money received from the
28 Federal Government or other sources and money received from
29 the fee established under section 6112(b) (relating to
30 extension of fees) shall be deposited in the fund. Moneys

1 appropriated by the General Assembly to the fund shall be
2 transferred on a quarterly basis in increments of at least
3 20%.

4 (2) For fiscal years 1999-2000 through 2003-2004, the
5 fund may receive money, upon approval of the Governor, from
6 the Recycling Fund and the Hazardous Sites Cleanup Fund. The
7 combined total of appropriations from these two funds for the
8 program shall not exceed \$30,000,000 annually.

9 (3) It is the intent of the General Assembly that
10 \$100,000,000 per fiscal year be appropriated from the General
11 Fund for fiscal years 2000-2001 through 2003-2004 to the
12 fund. The Governor's annual budget submission for fiscal
13 years 2000-2001 through 2003-2004 shall include the sum of
14 \$100,000,000 per fiscal year for allocation in accordance
15 with this section.

16 (4) For fiscal year 2021-2022, the fund shall be
17 appropriated \$500,000,000 from money received by the
18 Commonwealth from the Federal Government under the American
19 Rescue Plan Act of 2021 (Public Law 117-2, 135 Stat. 4).

20 * * *

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

23 (1) For fiscal year 1999-2000, 28.4% to the Department
24 of Conservation and Natural Resources, 43.7% to the
25 Department of Environmental Protection and 27.9% to the
26 authority.

27 (2) For fiscal years 2000-2001 through 2003-2004, 24.1%
28 to the Department of Conservation and Natural Resources,
29 37.4% to the Department of Environmental Protection, 14.8% to
30 the Department of Agriculture and 23.7% to the authority.

1 (3) For fiscal year 2004-2005, moneys in the fund shall
2 be allocated in accordance with paragraph (1).

3 (4) For fiscal year 2005-2006, up to \$20,000,000 of the
4 moneys in the fund shall be deposited into the Hazardous
5 Sites Cleanup Fund and the remaining moneys shall be
6 allocated in accordance with paragraph (2).

7 (5) For fiscal year 2006-2007, up to \$30,000,000 of the
8 moneys in the fund shall be deposited into the Hazardous
9 Sites Cleanup Fund and the remaining moneys shall be
10 allocated in accordance with paragraph (2).

11 (6) For fiscal [year 2007-2008 and each year
12 thereafter,] years 2017-2018 through 2020-2021, moneys in the
13 fund shall be allocated in accordance with paragraph (2).

14 (7) For fiscal year 2021-2022 and each year thereafter,
15 moneys in the fund shall be allocated as follows:

16 (i) Forty-five percent to the Department of
17 Conservation and Natural Resources, which shall use the
18 allocation as follows:

19 (A) Twenty percent for grants for projects of
20 which the recipient is a county or other
21 municipality, council of governments, conservation
22 district or authorized organization.

23 (B) Five percent for land trust projects.

24 (C) Twenty percent for projects and programs
25 located within the watershed of the Susquehanna River
26 and its tributaries.

27 (ii) Forty percent to the Department of
28 Environmental Protection, which shall use at least 40% of
29 its funds for projects and programs within the watershed
30 of the Susquehanna River and its tributaries.

1 (iii) Fifteen percent to the Department of
2 Agriculture, which shall use the allocation as follows:

3 (A) At least 30% for grants to authorized
4 organizations to preserve farmland.

5 (B) At least 50% for projects and programs
6 located within the watershed of the Susquehanna River
7 and its tributaries.

8 * * *

9 § 6105. Agencies.

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

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

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

18 (ii) To provide grants to a county or other
19 municipality, council of governments, conservation
20 districts and authorized organizations for the purpose of
21 planning, education, acquisition, development,
22 rehabilitation and repair of greenways, recreational
23 trails, including connections between trails, open space,
24 natural areas, river corridors and access to riverfronts,
25 watersheds, community [and heritage] parks and recreation
26 facilities; community conservation and beautification
27 projects; forest conservation[;], including conservation
28 of forested riparian buffers; heritage areas and other
29 conservation and recreation purposes. Grants under this
30 paragraph may not be used by an authorized organization

1 for land acquisition unless the authorized organization
2 obtains the approval of all counties in which the land is
3 situated. Grant moneys may also be used for the
4 acquisition of farmland for the purposes set forth in
5 this paragraph.

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

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

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

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

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

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

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

29 (iv) To provide grants and technical assistance to a
30 county or other municipality, council of governments,

1 county conservation districts, watershed organizations
2 and other authorized organizations to plan and implement
3 local watershed-based conservation efforts.

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

8 (vii) For watershed protection.

9 (viii) For the reduction of nonpoint source
10 pollution and protection of local drinking water supplies
11 through grants to watershed organizations and other
12 authorized organizations, the creation of forested and
13 other vegetative stream buffers and watershed restoration
14 efforts, including reducing runoff from agriculture,
15 construction, waste disposal and abandoned mine and mine
16 land sites.

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

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

26 (xi) For grants to municipalities and municipal
27 authorities to design and build projects and implement
28 best management practices, with an emphasis on green
29 infrastructure, in order to implement Municipal Separate
30 Storm Sewer System (MS4) plans or that count toward the

1 reductions identified in the Pennsylvania Integrated
2 Water Quality Monitoring and Assessment Report, implement
3 Total Maximum Daily Load Plans or the Chesapeake Bay
4 Total Maximum Daily Load requirements.

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

11 (xiii) For grant purposes enumerated in section
12 902(a) of the act of October 18, 1988 (P.L.756, No.108),
13 known as the Hazardous Sites Cleanup Act, not to exceed
14 more than 10% of the funds distributed under section
15 6104(d) (7) (ii).

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

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

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

1 6110 (relating to environmental infrastructure grants to
2 water and wastewater treatment facilities).

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

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

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

15 (3) For projects and programs under section 6104(d)(7)
16 (iii)(B).

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

30 (e) Administrative expense limitation.--The departments,

1 commissions and the authority may not expend more than 2.5% of
2 the moneys received from the fund on administrative expenses.
3 The Department of Environmental Protection may not expend more
4 than an aggregate of 2.5% of the moneys received from the fund
5 and the moneys directed to the Hazardous Sites Cleanup Fund
6 pursuant to section 6104(d)(4) and (5) on administrative
7 expenses. Grant recipients that receive moneys from the fund for
8 the purposes set forth in this section may not expend more than
9 5% of the moneys received from the fund on administrative
10 expenses.

11 (f) Expenditure limitation.--No moneys made available
12 through the fund shall be used for any purpose which, directly
13 or indirectly, precludes access to or use of any forested land
14 for the practice of sustainable forestry and commercial
15 production of timber or other forest products. This subsection
16 shall not apply to funds used [by the Department of Conservation
17 and Natural Resources, counties or municipalities] for the
18 purchase or improvement of park land to be used for public
19 recreation.

20 (g) Regulations.--The departments, the commissions and the
21 authority may promulgate regulations necessary to carry out the
22 purposes of this chapter.

23 Section 3. This act shall take effect in 60 days.