
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 699 Session of
2023

INTRODUCED BY WEBSTER, HILL-EVANS, PROBST, MADDEN, SALISBURY,
GUENST, SANCHEZ, DELLOSO AND BURGOS, MARCH 24, 2023

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 24, 2023

AN ACT

1 Updating and expanding the storm water planning requirements to
2 be undertaken by counties; authorizing counties to regulate
3 storm water within a watershed-based planning area;
4 authorizing the formation of water resources management
5 authorities; enabling counties, municipalities and water
6 resources management authorities to develop integrated water
7 resources management plans; imposing duties and conferring
8 powers on the Department of Environmental Protection, the
9 Environmental Quality Board, counties, municipalities and
10 water resources management authorities; providing for
11 financing and for waiver of use for certain grant or loan
12 funds; establishing the Integrated Water Resources Management
13 Account; and making repeals.

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

16 CHAPTER 1

17 GENERAL PROVISIONS

18 Section 101. Short title.

19 This act shall be known and may be cited as the Integrated
20 Water Resources Restoration, Protection and Management Act.

21 Section 102. Legislative findings.

22 The General Assembly finds that:

23 (1) Inadequate management of storm water runoff and the
24 insufficient planning, coordination and integration of
25 regulatory programs associated with water resources
26 management activities causes increased flood flows and
27 velocities, contributes to accelerated erosion and
28 sedimentation, overtaxes the carrying capacity of streams and
29 storm sewers, greatly increases the cost of public facilities
30 to carry and control storm water and wastewater, undermines

1 flood plain management and flood control efforts in
2 downstream communities, reduces groundwater recharge,
3 diminishes the quality and quantity of water supplies and
4 threatens the environment, public health, safety and
5 property.

6 (2) The act of October 4, 1978 (P.L.864, No.167), known
7 as the Storm Water Management Act, is not sufficiently
8 comprehensive to address the needs of this Commonwealth.
9 While the act provides a basis for storm water management
10 planning by counties on a watershed basis, additional
11 provisions are needed in addition to the Storm Water
12 Management Act requirements to provide integrated and
13 thorough planning and management of water resources in
14 watershed-based planning areas and to address current and
15 past water resources management problems, as well as
16 prospective and ongoing development.

17 (3) A comprehensive, integrated approach to water
18 resources management, building on the protections established
19 under the act of June 22, 1937 (P.L.1987, No.394), known as
20 The Clean Streams Law, including reasonable regulation of
21 development and activities causing adverse impacts to waters
22 of this Commonwealth, is fundamental to public health, safety
23 and welfare and protection of the citizens of this
24 Commonwealth, their resources and the environment.

25 (4) Adequate management of this Commonwealth's water
26 resources requires additional legal mechanisms for
27 coordination and integration of water resources management
28 planning among State agencies and county and municipal
29 governments.

30 (5) Dedicated funding is needed to develop and implement

1 integrated water resources management plans to protect,
2 maintain, reclaim and restore this Commonwealth's water
3 resources and the environment and to protect public health,
4 safety and property.

5 Section 103. Purpose.

6 The purpose of this act is to:

7 (1) Provide for more comprehensive storm water planning
8 and management, building on the framework found in the act of
9 October 4, 1978 (P.L.864, No.167), known as the Storm Water
10 Management Act, and implementing the act of June 22, 1937
11 (P.L.1987, No.394), known as The Clean Streams Law, to
12 authorize planning for and remediation of storm-water-
13 associated problems and integrating related water resources
14 management programs.

15 (2) Restore, reclaim, protect and maintain the water
16 quality, quantity and natural hydrologic regime; regulate
17 and, where appropriate, restrict development in the floodways
18 and floodplains of this Commonwealth's rivers and streams;
19 preserve the carrying capacity of watercourses; and protect,
20 maintain, reclaim and restore surface waters and groundwaters
21 of this Commonwealth.

22 (3) Protect the natural resources, environmental rights
23 and values secured by the Constitution of Pennsylvania.

24 (4) Authorize counties to undertake and enforce
25 comprehensive, ecologically sustainable and consistent water
26 resources management planning; consolidate and coordinate
27 governmental resources; and establish a dedicated, stable and
28 tailored funding source. If a county does not elect to
29 undertake such integrated water resources planning or
30 management, municipalities or water resources management

1 authorities are authorized to undertake these activities.

2 (5) Encourage the regional implementation of integrated
3 water resources management plans within watershed-based
4 planning areas to preserve and protect watershed-based
5 planning areas from the adverse effects of fragmented
6 planning related to water resources protection, water
7 infrastructure, wet weather and wastewater management, storm
8 water runoff and subsurface drainage.

9 (6) Authorize the creation of water resources management
10 authorities to enable counties and municipalities to
11 regulate, manage, operate and maintain activities, facilities
12 and development that may affect storm water runoff or water
13 resources within watershed-based planning areas; regulate,
14 implement and manage comprehensive storm water management
15 plans or integrated water resources management plans within
16 watershed-based planning areas; and undertake the planning
17 related thereto under this act when appropriate.

18 (7) Encourage water resources management authorities to
19 utilize a comprehensive integrated water resources approach
20 for water resources protection, maintenance and improvement,
21 including quantity and quality, and other environmental
22 benefits.

23 (8) Authorize dedicated funding to develop and implement
24 updated, expanded and comprehensive storm water planning and
25 management, as well as to develop and implement integrated
26 water resources management plans to protect, maintain,
27 reclaim and restore this Commonwealth's water resources and
28 to protect public health, safety, property and the
29 environment.

30 Section 104. Definitions.

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

4 "Account." The Integrated Water Resources Management Account
5 established under section 607.

6 "Allowable costs." Reasonable expenses associated with
7 preparation, administration, implementation, revision and
8 enforcement of department-approved comprehensive storm water
9 management plans, integrated water resources management plans
10 and ordinances adopted pursuant to such plans, and including
11 storm water or integrated water resource management best
12 management practices operation and maintenance.

13 "Best management practices." Activities, facilities,
14 measures or procedures used to protect, maintain, reclaim and
15 restore the quantity and quality of waters and uses within this
16 Commonwealth.

17 "Clean Streams Law." The act of June 22, 1937 (P.L.1987,
18 No.394), known as The Clean Streams Law.

19 "Comprehensive storm water management plan." A storm water
20 management plan developed in accordance with the Storm Water
21 Management Act and the requirements of Chapter 3.

22 "Critical water planning area." An area identified under 27
23 Pa.C.S. § 3112(a)(6) or (d)(1) (relating to plan contents).

24 "Department." The Department of Environmental Protection of
25 the Commonwealth.

26 "Infrastructure." Structural elements, structural and
27 nonstructural management practices and operating procedures that
28 support drinking water, wastewater, storm water, floodplain and
29 other water resources management activities.

30 "Integrated water resources management." Implementation of

1 multiple statutory and regulatory planning obligations related
2 to the water resources of this Commonwealth.

3 "Integrated water resources management plan." A plan
4 containing all of the elements prescribed under the Storm Water
5 Management Act, and the additional requirements of Chapters 3
6 and 4 which includes proposals for regulating activities and
7 development that may affect water resources and wastewater
8 management within the planning area.

9 "Land development." The subdivision of land, or the
10 improvement of one or more lots, tracts or parcels of land for
11 any purpose.

12 "Municipalities Planning Code." The act of July 31, 1968
13 (P.L.805, No.247), known as the Pennsylvania Municipalities
14 Planning Code.

15 "Municipality." A city, borough, town, township or another
16 governmental unit when acting as an agent thereof or any
17 combination of these acting jointly.

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

22 "Remedial plan." A plan containing all of the elements
23 prescribed under section 301 which includes requirements for
24 assessment and remediation of storm-water-related problems.

25 "Responsible entity." A county or counties, multiple
26 municipalities or water resources management authority
27 designated to implement the comprehensive storm water management
28 plan or integrated water resources management plan, or both,
29 including construction, operation and maintenance of associated
30 infrastructure.

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

3 "Storm water best management practice" or "storm water BMP."
4 Activities, facilities, measures or procedures used to protect,
5 maintain, reclaim and restore the quantity and quality of waters
6 and uses within this Commonwealth as approved by the department.
7 The term includes plans under the Storm Water Management Act or
8 other plans, treatment requirements, operating procedures and
9 practices to manage and control the rate, volume and water
10 quality of storm water runoff.

11 "Storm Water Management Act." The act of October 4, 1978
12 (P.L.864, No.167), known as the Storm Water Management Act.

13 "Storm water management plan." A plan for storm water
14 management prepared and adopted by a county in accordance with
15 the Storm Water Management Act.

16 "Submitting agency." A county, counties, multiple
17 municipalities or a water resources management authority which
18 elects to develop and submit an integrated water resources
19 management plan, in accordance with the requirements of section
20 401(a), to the department for approval under this act.

21 "Subsurface drainage." Drainage runoff which occurs below
22 the surface of the ground resulting from precipitation or snow
23 or ice melt.

24 "Water resources management authority." A body politic and
25 corporate created under the former act of May 2, 1945 (P.L.382,
26 No.164), known as the Municipality Authorities Act of 1945, 53
27 Pa.C.S. Ch. 56 (relating to municipal authorities) or section
28 501 for the purpose of planning, constructing, operating,
29 maintaining, managing and regulating storm water or integrated
30 water resources management structures, practices and activities.

1 "Water resources management planning." Planning based on
2 watershed areas to protect, maintain, reclaim and restore the
3 quality and quantity of surface water and groundwater and the
4 physical, chemical and biological characteristics of bodies of
5 water from the effects of past and future activities and
6 development while assuring sustainable supplies of clean water
7 to meet current and future needs and minimizing the impact of
8 storm water on public health, safety, property and the
9 environment.

10 "Watershed." The entire region or area drained by a river or
11 other body of water, whether natural or artificial.

12 "Watershed-based planning area." A planning area approved by
13 the department and based on watershed boundaries, as well as
14 political boundaries or geographic considerations, that is the
15 focus of a comprehensive storm water management plan or
16 integrated water resources management plan.

17 CHAPTER 2

18 POWERS AND DUTIES

19 Section 201. Powers and duties of counties.

20 (a) Comprehensive storm water management plan.--A county
21 shall prepare and ensure implementation of a comprehensive storm
22 water management plan in accordance with section 301. In
23 addition to any existing powers, and consistent with the
24 requirements of section 401(a), the county may elect to develop
25 or implement an integrated water resources management plan in
26 accordance with Chapter 4.

27 (b) Review and comment.--A county shall review and comment
28 on the location, design and construction within the watershed-
29 based planning area of facilities owned or financed, in whole or
30 in part, by funds from this Commonwealth, including storm water

1 facilities, water obstructions, flood control projects, highways
2 and transportation facilities and facilities for the provision
3 of public utility service, to assure their consistency with the
4 plans developed pursuant to this act. The county shall review
5 and take action on such submissions concurrent with the review
6 period as provided in Article V of the Municipalities Planning
7 Code.

8 (c) Inspection.--In accordance with plans developed under
9 this act, a county shall also ensure inspection of water-
10 resources-related facilities, provide for routine operation and
11 maintenance of water resources management facilities and
12 construct water resources management facilities.

13 (d) Public comment.--A county shall provide for public
14 comment on all proposed publicly financed water resources
15 capital projects undertaken pursuant to the remedial plan
16 requirements in Chapter 3.

17 (e) Compliance.--Nothing that a county does under this act
18 shall relieve any person engaged in activities or in the
19 alteration or development of land of the responsibility to
20 comply with the requirements of storm water ordinances of
21 municipalities, an approved integrated water resources
22 management plan and the requirements of the Storm Water
23 Management Act, as well as all of the legal requirements of the
24 other programs for which planning will be integrated in an
25 integrated water resources management plan.

26 Section 202. Powers and duties of department and Environmental
27 Quality Board.

28 (a) Department.--The department shall have the power and
29 duty to:

30 (1) Coordinate the management of water resources in this

1 Commonwealth, including the authority to develop processes
2 and certification programs for consulting and engineering
3 services.

4 (2) Develop processes and procedures for resolving
5 disputes associated with comprehensive storm water integrated
6 water resources management planning among county and
7 municipal planning bodies and government agencies concerning
8 comprehensive storm water management plan development or
9 implementation.

10 (3) Develop guidelines and policies to implement the
11 purposes of this act, which may include specific
12 comprehensive storm water management plan or integrated water
13 resources management plan scope and content requirements,
14 model integrated water resources management plans and model
15 ordinances.

16 (4) Charge fees associated with the review of integrated
17 water resources management plans that reasonably reflect the
18 cost of review.

19 (5) Approve, disapprove or conditionally approve
20 comprehensive storm water management plans and integrated
21 water resources management plans.

22 (6) Undertake enforcement as necessary and appropriate
23 and in accordance with this act.

24 (7) Take any other action required to carry out the
25 purposes and policies of this act.

26 (8) Upon request of a county or municipality, provide
27 technical assistance appropriate to accomplish the purposes
28 of this act.

29 (b) Other laws.--Nothing in this act shall be construed to
30 abrogate the authority of the department under any of the

1 environmental laws administered by the department.

2 (c) Board.--The Environmental Quality Board shall adopt
3 rules and regulations of the department as are necessary and
4 appropriate to carry out the purposes of this act.

5 Section 203. Powers and duties of municipalities.

6 (a) Implementation of plans.--A municipality or multiple
7 municipalities shall have the power and duty to implement
8 comprehensive storm water management plans and any applicable
9 integrated water resources management plan.

10 (b) Plan.--Consistent with the requirements of section
11 401(a), multiple municipalities may elect to develop an
12 integrated water resources management plan in accordance with
13 Chapter 4.

14 (c) Land development and activities.--Municipalities shall
15 regulate land development and activities consistent with the
16 most recent applicable approved comprehensive storm water
17 management plan or integrated water resources management plan
18 and shall adopt ordinances to implement those plans.

19 (d) Enforcement.--Nothing in this act shall prohibit a
20 municipality or county from enforcing any zoning, subdivision or
21 land development ordinance which the municipality or county has
22 adopted that is not in conflict with plans developed under this
23 act.

24 Section 204. Powers and duties of water resources management
25 authorities.

26 (a) Plan.--Water resources management authorities shall have
27 the power and duty to implement and administer comprehensive
28 storm water management plans when so designated and to implement
29 and administer integrated water resources management plans when
30 so designated.

1 (b) Integrated plan.--Consistent with the requirements of
2 section 401(a), water resources management authorities may elect
3 to develop an integrated water resources management plan in
4 accordance with Chapter 4.

5 (c) Powers and duties.--Water resources management
6 authorities shall have the power and duty to set rates and
7 assess and collect fees to carry out the purposes of this act.

8 (d) Annual report.--Water resources management authorities
9 shall provide an annual report of actions and activities to the
10 department.

11 CHAPTER 3

12 COMPREHENSIVE STORM WATER MANAGEMENT PLANNING

13 Section 301. Comprehensive storm water management planning and
14 management requirements.

15 (a) Watershed boundaries.--Comprehensive storm water
16 management plans shall be based on the watershed boundaries
17 described in plans developed in accordance with the Storm Water
18 Management Act, unless an alternate watershed-based planning
19 area is approved by the department for good cause shown.

20 (b) Plans and updates.--Except as provided under subsection
21 (e), within five years of the effective date of this section,
22 counties shall prepare or update the plans developed in
23 accordance with the Storm Water Management Act and, at a
24 minimum, shall also prepare a remedial plan, which together
25 shall constitute the comprehensive storm water management plan.
26 At a minimum, the remedial plan shall include the following:

27 (1) Identification and assessment of existing problems
28 associated with storm water runoff and subsurface drainage
29 and the conditions that cause or contribute to the problems.

30 (2) Proposed solutions to or remediation of existing

1 problems which take into account peak rates of storm water
2 runoff, the volume and velocity of storm water runoff and the
3 quality of the storm water runoff necessary to prevent
4 pollution and to protect, maintain, reclaim and restore
5 waters of this Commonwealth, including:

6 (i) A remediation and retrofit priorities list.

7 (ii) A prioritized schedule for implementation and
8 completion of the remedial plan.

9 (iii) A designation of the responsible entity for
10 implementation of the plan and operation and maintenance
11 of remedial infrastructure.

12 (3) Inventory of significant existing storm water
13 management facilities in the watershed, their engineering
14 design features, their ownership and maintenance
15 responsibility and an assessment of their functional
16 effectiveness.

17 (4) A program for public information, participation and
18 education.

19 (5) Provision for comprehensive storm water management
20 plan review and update at a minimum of every five years.

21 (6) Demonstration of or steps to achieve general
22 consistency with:

23 (i) The applicable comprehensive storm water
24 management plans of the municipality and county enacted
25 under the Municipalities Planning Code.

26 (ii) Other existing applicable Federal, State,
27 interstate, regional and county environmental and land
28 use plans.

29 (iii) Existing applicable watershed storm water
30 management plans, including minimum standards required by

1 the Storm Water Management Act.

2 (c) Exception.--Except as provided under this act, the
3 requirements and procedures in sections 6, 7, 8, 9, 10, 11 and
4 12 of the Storm Water Management Act shall be followed in
5 developing the comprehensive storm water management plan under
6 this section. These provisions apply to development and
7 implementation of the applicable plan and implementing ordinance
8 and regulation revisions required by this section.

9 (d) Design criteria and standards.--The comprehensive storm
10 water management plan shall identify the design criteria or
11 performance standard for any storm water management practice
12 implemented under this section, and the county or the department
13 shall have no responsibility to reimburse the cost of any
14 practice not meeting the design criteria or performance
15 standard.

16 (e) Extension of deadline.--The department shall extend the
17 deadline under subsection (b) for preparation of a comprehensive
18 storm water management plan if, upon application by such
19 counties for grants and reimbursements authorized under section
20 608(a) to meet the requirements of this chapter, the department
21 determines that such grants and reimbursements are not
22 available. The department may extend the deadline for such
23 counties for compliance with subsection (b) for up to five years
24 from the date of the department's authorization of such grants
25 or reimbursements.

26 Section 302. Review and approval or disapproval by department.

27 (a) General rule.--The department may approve or disapprove
28 comprehensive storm water management plans in whole or in part
29 or with conditions that the department determines are reasonable
30 and appropriate.

1 (b) Effect of inaction by department.--Unless the department
2 approves, conditionally approves or disapproves the
3 comprehensive storm water management plan within 120 days of
4 receipt, the comprehensive storm water management plan shall be
5 deemed acceptable as submitted.

6 Section 303. Implementation of comprehensive storm water
7 management plans.

8 (a) Ordinances.--Within 18 months following adoption and
9 approval of a comprehensive storm water management plan, each
10 municipality shall adopt or amend such ordinances and
11 regulations, including zoning, subdivision and development,
12 building code and erosion and sedimentation ordinances,
13 necessary to regulate development and activities and to control
14 storm water within the municipality in a manner consistent with
15 the applicable comprehensive storm water management plan,
16 including the remedial plan to address existing problems, and
17 the provisions of the Storm Water Management Act and this act.
18 The department may extend the deadline six months for compliance
19 with this section upon request based upon a demonstration of
20 need.

21 (b) Remedial plan.--Following adoption and approval of
22 comprehensive storm water management plans, the responsible
23 entity shall implement the remedial plan.

24 (c) Infrastructure implementation.--Unless otherwise
25 specified in a county-adopted and department-approved
26 comprehensive storm water management plan, infrastructure
27 improvements under the comprehensive storm water management plan
28 shall be implemented by any of the following means:

29 (1) Each municipality shall carry out the plan within
30 its boundaries, either individually or by agreement with

1 another municipality, county or a joint agency.

2 (2) One or more municipalities in the watershed may
3 request that the county or counties in the watershed assume
4 responsibility for implementation of the plan. The county or
5 counties may assume responsibility for implementation of the
6 plan and operational authority for the storm water facilities
7 as provided for in the plan, but only for municipalities that
8 agree to allow the county or counties to assume
9 implementation responsibilities.

10 (3) If two-thirds of the municipalities, representing at
11 least 51% of the population within the watershed, through
12 adoption of resolutions of their governing bodies, request
13 that the county or counties in the watershed assume
14 responsibility for implementation of the plan, then the
15 county or counties shall meet with the municipalities to
16 develop a plan of implementation, to be adopted within 12
17 months. The following shall apply:

18 (i) If the county or counties and municipalities do
19 not adopt a plan of implementation after 12 months, the
20 department may convene a three-person panel to be
21 comprised of one representative or designee appointed by
22 the department, one representative or designee appointed
23 by the county or counties and one representative or
24 designee appointed by the group of municipalities. The
25 county or counties and municipalities shall have 30 days
26 from the date the department convenes the panel to select
27 their representative or designee.

28 (ii) The department shall oversee the panel's
29 completion of the implementation plan, which shall be
30 adopted within six months from the panel's first meeting.

1 The first meeting of the panel shall be held no later
2 than 45 days from the date the panel is convened.

3 (iii) If either the county or municipalities fail to
4 appoint a representative or designee, the department
5 shall complete the plan of implementation in cooperation
6 with any timely appointed representative or designee. If
7 there are no timely appointed representatives or
8 designees from the county or municipalities, the
9 department shall complete the plan of implementation.

10 (iv) Failure of the county or municipalities to
11 comply with the final plan of implementation developed in
12 accordance with this subsection constitutes a violation
13 of this act.

14 (d) Responsible entity.--If the responsible entity fails to
15 timely implement the remedial plan associated with approved and
16 adopted comprehensive storm water management plans, the county
17 may implement the remedial plan.

18 (e) Development of model ordinances.--Within three years of
19 the effective date of this section, the department shall develop
20 a set of model ordinances, including a specific model
21 comprehensive storm water management ordinance, that can be used
22 as a guide by municipalities to adopt regulations designed to
23 implement the applicable comprehensive storm water management
24 plan.

25 (f) Waiver provisions.--The implementing ordinances and
26 regulations shall not contain a waiver provision except for
27 those waivers included in the model ordinance in the adopted and
28 approved comprehensive storm water management plan.

29 (g) Decisions.--The department, other Commonwealth
30 departments and agencies and county and municipal governments

1 and agencies shall consider and shall make decisions with
2 respect to issuance of permits, approvals or grants that are
3 generally consistent with comprehensive storm water management
4 plans prepared, adopted and approved under this act.

5 (h) Review and issuance procedures.--The department shall
6 develop procedures to coordinate the review and issuance of all
7 department permits, approvals or grants that cover construction,
8 operation and maintenance of all current and future facilities
9 that are necessary to implement the comprehensive storm water
10 management plans, including the designation of a single point of
11 contact for all department permits or approvals for the
12 facilities.

13 (i) Construction.--Nothing in this act shall be construed to
14 relieve a county or municipality from compliance with existing
15 obligations under the Storm Water Management Act.
16 Section 304. Failure to submit and implement comprehensive
17 storm water management plan.

18 (a) Actions.--A person, municipality or the department may
19 institute an action in mandamus to compel a county to prepare,
20 adopt and submit a comprehensive storm water management plan in
21 accordance with the Storm Water Management Act and this act.

22 (b) Administrative remedies.--The department may utilize
23 administrative remedies, including administrative orders, or may
24 institute an action in mandamus to compel a county to prepare,
25 adopt and submit a comprehensive storm water management plan in
26 accordance with the Storm Water Management Act and this act.

27 (c) Reimbursement.--When action by the municipality or
28 department is required to compel a county to prepare, adopt,
29 submit or implement a comprehensive storm water management plan,
30 the department shall not provide grants or reimbursements to the

1 county for the cost of the comprehensive storm water management
2 plan.

3 (d) Costs and fees.--The costs, attorney fees,
4 administrative fees and other expenses associated with
5 proceedings under this section shall be recoverable from the
6 violator.

7 Section 305. Failure of municipalities to adopt ordinances and
8 implement plans.

9 (a) Procedure following approval.--Following adoption and
10 approval of a comprehensive storm water management plan, in
11 accordance with section 303(a):

12 (1) Any person may institute an action in mandamus to
13 compel a municipality to adopt implementing ordinances and to
14 implement a comprehensive storm water management plan and
15 ordinances in accordance with the Storm Water Management Act
16 and this act.

17 (2) The county or the department may utilize
18 administrative remedies, including administrative orders, or
19 may institute an action in mandamus to compel a municipality
20 to adopt ordinances or to implement a comprehensive storm
21 water management plan in accordance with the Storm Water
22 Management Act and this act.

23 (3) When action by the county, the department or any
24 person is required to compel a municipality to adopt
25 ordinances or to implement a comprehensive storm water
26 management plan, the department shall not provide grants or
27 reimbursements to the municipality for the associated costs.

28 (b) Costs and fees.--The costs, attorney fees,
29 administrative fees and other expenses associated with
30 proceedings under this section shall be recoverable from the

1 violator.

2 CHAPTER 4
3 INTEGRATED WATER RESOURCES MANAGEMENT
4 PLANNING AND PROCEDURE

5 Section 401. Water resources management coordination and
6 integration.

7 (a) Submitting agency.--A county or multiple counties may
8 elect to develop integrated water resources management plans. If
9 a county or counties have not provided notice to the department
10 of the intention to develop an integrated water resources
11 management plan, then multiple municipalities or water resources
12 management authorities located in such counties may elect to
13 develop integrated water resources management plans in
14 accordance with this act, beginning one year from the effective
15 date of this section.

16 (b) Plans.--Integrated water resources management plans may
17 be developed for individual or multiple watersheds, or upon
18 department-approved watershed-based planning areas, designated
19 in accordance with, but not limited to, the following
20 considerations:

- 21 (1) Existence of critical water planning areas.
22 (2) Waters listed under 33 U.S.C. § 1313(d) (relating to
23 water quality standards and implementation plans).
24 (3) Flooding history.
25 (4) Special protection watersheds.
26 (5) Current or projected population density.
27 (6) Current or projected rate of development.
28 (7) Percent of impervious cover.

29 (c) Minimum requirements.--Integrated water resources
30 management plans shall, at a minimum, be consistent with this

1 act and the following statutes:

2 (1) 21 U.S.C. § 349 and 42 U.S.C. §§ 201 and 300f et
3 seq. (Safe Drinking Water Act).

4 (2) 33 U.S.C. § 1251 et seq. (Federal Water Pollution
5 Control Act).

6 (3) 33 U.S.C. § 2213 (The Water Resources Development
7 Act of 1986).

8 (4) The Clean Streams Law.

9 (5) The act of June 24, 1939 (P.L.842, No.365), referred
10 to as the Water Rights Law.

11 (6) The act of May 15, 1945 (P.L.547, No.217), known as
12 the Conservation District Law.

13 (7) The act of January 24, 1966 (1965 P.L.1535, No.537),
14 known as the Pennsylvania Sewage Facilities Act.

15 (8) The Municipalities Planning Code.

16 (9) The act of October 4, 1978 (P.L.851, No.166), known
17 as the Flood Plain Management Act.

18 (10) The Storm Water Management Act.

19 (11) The act of November 26, 1978 (P.L.1375, No.325),
20 known as the Dam Safety and Encroachments Act.

21 (12) The act of May 1, 1984 (P.L.206, No.43), known as
22 the Pennsylvania Safe Drinking Water Act.

23 (13) The provisions of 3 Pa.C.S. Ch. 5 (relating to
24 nutrient management and odor management).

25 (14) The provisions of 53 Pa.C.S. Ch. 56 (relating to
26 municipal authorities).

27 (15) Any other applicable Federal or State law as
28 determined by the department.

29 (d) Entities.--Entities which elect to undertake integrated
30 water resources management planning shall do so in accordance

1 with this act.

2 (e) Compliance.--If an entity elects to undertake integrated
3 water resources management planning and the plan is approved by
4 the department in accordance with this act, the entity is deemed
5 to have satisfied the procedural and substantive planning
6 requirements of the acts listed in subsection (c) that impose
7 planning requirements.

8 Section 402. Integrated water resources management planning
9 process.

10 (a) Boundaries.--Integrated water resources management plans
11 shall be based upon the boundaries described in plans developed
12 in accordance with section 401(b), unless an alternate
13 watershed-based planning area is approved by the department for
14 good cause shown.

15 (b) Development.--Public participation in the development of
16 the integrated water resources management plan shall be provided
17 as follows:

18 (1) An integrated water resources management plan
19 advisory committee, composed of one representative appointed
20 by the governing body of each municipality in the watershed-
21 based planning area, the county and any county conservation
22 district in the planning area watershed, any compact basin
23 commission in the planning area watershed and other agencies
24 and groups, as are necessary and proper, shall be established
25 to advise the submitting agency throughout the process.

26 (2) Prior to adoption, the plan shall be reviewed by the
27 official planning agency, if one exists, and governing body
28 of each municipality and county and by each regional planning
29 agency in the watershed for general consistency with other
30 plans and programs affecting the watershed-based planning

1 area. All such reviews and the submitting agency's responses
2 shall be submitted to the department with the plan at the
3 time a review of the plan is requested from the department.

4 (3) Prior to adoption or amendment of the plan,
5 reasonable public notice shall be given at least 14 days
6 prior to the hearing, and a public hearing shall be held
7 within the watershed-based planning area.

8 (c) Adoption.--Adoption or amendment by the submitting
9 agency of the integrated water resources management plan shall
10 be by resolution of the governing body or bodies of the agency
11 or agencies identified in subsection (b), which have authorized
12 development of the plan.

13 (d) Approval by department.--

14 (1) Prior to adoption or substantive amendment, the
15 submitting agency shall submit the integrated water resources
16 management plan to the department for review. The department
17 shall approve or conditionally approve the integrated water
18 resources management plan if it determines that it is
19 generally consistent with the following:

20 (i) Section 401(c).

21 (ii) All current approved watershed restoration and
22 protection plans that have been developed in the planning
23 area.

24 (iii) All current approved total maximum daily loads
25 (TMDLs) for waters of the planning area.

26 (iv) All current source water protection plans that
27 have been adopted in the planning area.

28 (v) All current rivers conservation plans in the
29 watershed-based planning area that have been approved by
30 the Department of Conservation and Natural Resources.

1 (vi) All current critical area resource plans that
2 have been approved by the department.

3 (vii) All current applicable water resources plans
4 adopted by a river basin commission.

5 (2) Unless the department approves, conditionally
6 approves or disapproves the integrated water resources
7 management plan within 120 days of receipt, the plan will be
8 deemed acceptable as submitted.

9 (3) If the department determines that the proposed
10 integrated water resources management plan will not meet the
11 requirements of this act, the department shall disapprove the
12 plan in writing, which writing shall identify the basis for
13 disapproval.

14 (4) The integrated water resources management planning
15 area, either based upon the boundaries described in plans
16 developed in accordance with the Storm Water Management Act
17 or an alternate watershed-based planning area approved by the
18 department, shall be considered a reasonable geographic area
19 in a multimunicipal comprehensive plan prepared pursuant to
20 Article XI of the Municipalities Planning Code as long as the
21 county or multiple municipalities follow the procedures in
22 Article XI of the Municipalities Planning Code.

23 (e) Design criteria and standards.--The integrated water
24 resources management plan shall identify the design criteria or
25 performance standard for any water management practice
26 implemented under this section, and the county or the department
27 shall have no responsibility to reimburse the cost of any
28 practice not meeting the design criteria or performance
29 standard.

30 Section 403. Integrated water resources management plan

1 requirements.

2 (a) Local authorization.--

3 (1) The submitting agency may develop an integrated
4 water resources management plan as described in this section.
5 If all counties or municipalities in the watershed do not
6 agree to develop the plan, the plan shall use standards at
7 the boundaries of the nonparticipating county or
8 municipalities that are consistent with the integrated water
9 resources management plan.

10 (2) Federal lands shall be included in the integrated
11 water resources management plan in consultation with the
12 United States Department of the Interior.

13 (3) State lands shall be included in the integrated
14 water resources management plan in consultation with the
15 appropriate State agency.

16 (4) The integrated water resources management plan shall
17 be generally consistent with comprehensive plans of counties
18 and municipalities enacted under the Municipalities Planning
19 Code.

20 (5) A comprehensive plan of a county or a municipality
21 enacted under the Municipalities Planning Code, subsequent to
22 adoption of this act, shall be generally consistent with the
23 integrated water resources management plan approved under
24 this act that applies to the county or municipality.

25 (6) An integrated water resources management plan
26 adopted on a multimunicipal basis pursuant to this act shall
27 constitute the water planning required pursuant to section
28 301(a)(4) of the Municipalities Planning Code and shall be
29 considered a plan for the reliable supply of water pursuant
30 to section 301(b) of the Municipalities Planning Code if it

1 is a component of a multimunicipal comprehensive plan
2 prepared pursuant to Article XI of the Municipalities
3 Planning Code, as long as the county or multiple
4 municipalities follow the procedures in Article XI of the
5 Municipalities Planning Code.

6 (b) Integrated water resources management plan content.--The
7 integrated water resources management plan, at a minimum, shall:

8 (1) Coordinate the planning provisions in and
9 demonstrate consistency with Federal and State statutes and
10 programs identified in section 401(a).

11 (2) Delineate the approved watershed-based planning area
12 boundary.

13 (3) Inventory all existing and planned water and
14 wastewater treatment systems and service areas and all
15 significant water resources management facilities within the
16 watershed, their ownership and the parties responsible for
17 their operation and maintenance and provide an assessment of
18 the functional effectiveness of such systems and facilities.

19 (4) Estimate current and future water demands.

20 (5) Identify all local conservation areas such as
21 protected riparian corridors, conservation easements,
22 wellhead and source water protection areas, preserved
23 farmland, greenways, publicly owned land and other areas that
24 have land-use restrictions based on natural conditions.

25 (6) Identify all environmentally sensitive features of
26 the watershed, such as wetlands, habitat for rare and
27 endangered plant and animal species, special protection
28 waters and karst geology.

29 (7) Identify and consider all current storm water
30 management plans and watershed protection and restoration

1 plans that have been prepared by citizen groups, nonprofit
2 organizations, conservation districts, county and municipal
3 governments and Federal, State, interstate or regional
4 agencies.

5 (8) Identify and describe all existing regionally
6 significant water quality problems and water resources
7 management problems within the watershed, including those
8 caused by domestic or industrial wastewater, nonpoint sources
9 of pollution, water availability and storm water and
10 floodplain management problems.

11 (9) Project future land-use changes over a 10-year
12 period based on population estimates, anticipated
13 development, planning and zoning requirements, economic
14 considerations and public infrastructure.

15 (10) Identify and evaluate alternatives for future water
16 demands, including water supply and wastewater demands.

17 (11) Identify, evaluate and prioritize management
18 practices, procedures and other strategies to protect,
19 maintain, reclaim, restore and enhance water quality and
20 water resources based on existing conditions and projected
21 growth and land use changes.

22 (12) Designate the responsible entity for implementation
23 of the plan and for operation and maintenance of water
24 quality protection and water resources management facilities,
25 such as wastewater treatment plants and community or
26 individual storm water control facilities.

27 (13) Identify and evaluate potential water conservation
28 and reuse measures.

29 (14) Identify and evaluate source water protection
30 alternatives.

1 (15) Identify financing alternatives, including rate
2 structures for fees and assessments to implement the plan.

3 (16) Present selected financing methods and priorities.

4 (17) Present a prioritized schedule and process for plan
5 implementation.

6 (18) Establish a program for public participation,
7 information and education.

8 (19) Provide for plan reviews and updates on a minimum
9 five-year cycle.

10 (20) Provide model ordinances for plan implementation.

11 (c) Additional issues.--The integrated water resources
12 management plans may address additional issues, including the
13 following:

14 (1) Preventing increased flood stages in streams.

15 (2) Controlling the quantity, peak and volume,
16 direction, rate and velocity of storm water runoff and
17 subsurface drainage and the quality thereof consistent with
18 State water quality standards.

19 (3) Improving groundwater recharge.

20 (4) Maximizing the opportunities for integration of
21 water resources management and protection under the existing
22 laws and regulations.

23 (5) Creating water resources management corridors
24 pursuant to section 405.

25 (6) Supporting ecologically sustainable water
26 management, sustainable water supplies, water conservation,
27 surface and groundwater management, development of resource
28 strategies, providing for long-term infrastructure investment
29 strategies, evaluating environmental impacts and options and
30 evaluating economic impacts and options.

1 Section 404. Implementation of integrated water resources
2 management plans.

3 (a) Requirements.--Within 180 days of the department's
4 approval of an integrated water resources management plan, each
5 county and municipality within the area subject to the plan
6 shall:

7 (1) Adopt or amend ordinances and regulations, including
8 zoning, subdivision and development, building code, erosion
9 and sedimentation and storm water ordinances, as are
10 necessary to regulate development and local activities in a
11 manner consistent with the applicable approved plan and the
12 provisions of this act.

13 (2) Implement ordinances and regulations, including
14 zoning, subdivision and development, building code, erosion
15 and sedimentation and storm water ordinances, as are
16 necessary to regulate development and local activities in a
17 manner consistent with the applicable approved plan and the
18 provisions of this act.

19 (b) Infrastructure implementation.--Infrastructure
20 improvements under an integrated water resources management plan
21 shall be implemented through any of the following:

22 (1) A municipality shall carry out the plan within its
23 boundaries, either individually or by agreement with another
24 municipality or county or a joint agency.

25 (2) One or more municipalities in the watershed may
26 request that the county or counties in the watershed assume
27 responsibility for implementation of the plan. The county or
28 counties may assume responsibility for implementation of the
29 plan and operational authority for the water resources
30 management facilities provided for in the plan, but only for

1 municipalities that agree to allow the county or counties to
2 assume implementation responsibilities.

3 (3) If two-thirds of the municipalities, representing at
4 least 51% of the population within the watershed, through
5 adoption of resolutions of their governing bodies, request
6 that the county or counties in the watershed assume
7 responsibility for implementation of the plan, then the
8 county or counties shall meet with the municipalities to
9 develop a plan of implementation to be adopted within 12
10 months. The following shall apply:

11 (i) If the county or counties and municipalities do
12 not adopt a plan of implementation after 12 months, the
13 department may convene a three-person panel to be
14 comprised of one representative or designee appointed by
15 the department, one representative or designee appointed
16 by the county or counties and one representative or
17 designee appointed by the group of municipalities. The
18 county or counties and municipalities shall have 30 days
19 from the date the department convenes the panel to select
20 their representative or designee.

21 (ii) The department shall oversee the panel's
22 completion of the implementation plan, which shall be
23 adopted within six months from the panel's first meeting.
24 The first meeting of the panel shall be held no later
25 than 45 days from the date the panel is convened.

26 (iii) If either the county or municipalities fail to
27 appoint a representative or designee, the department
28 shall complete the plan of implementation in cooperation
29 with any timely appointed representative or designee. If
30 there are no timely appointed representatives or

1 designees from the county or municipalities, the
2 department shall complete the plan of implementation.

3 (iv) Failure of the county or municipalities to
4 comply with the final plan of implementation developed in
5 accordance with this subsection constitutes a violation
6 of this act.

7 (c) Development of model ordinances.--Within 180 days of the
8 effective date of this section, the department shall develop a
9 set of model ordinances, including a specific model integrated
10 water resources management ordinance, that can be used as a
11 guide by local governments to adopt regulations designed to
12 implement their integrated water resources management plan.

13 (d) Waiver.--The implementing ordinances and regulations
14 shall not contain a waiver provision except for those waivers
15 included in the model ordinance in the adopted and approved
16 integrated water resources management plan.

17 (e) Permits, approvals or grants.--The department, other
18 Commonwealth departments and agencies and county and municipal
19 governments and agencies shall consider and shall make decisions
20 with respect to issuance of permits, approvals or grants that
21 are generally consistent with integrated water resources
22 management plans adopted under this act.

23 (f) Review and issuance procedures.--The department shall
24 develop procedures to coordinate the review and issuance of all
25 department permits, approvals or grants that cover construction,
26 operation and maintenance of all current and future facilities
27 that are necessary to implement the integrated water resources
28 management plans, including the designation of a single point of
29 contact for all department permits or approvals for such
30 facilities.

1 (g) County implementation.--If the responsible entity fails
2 to timely implement the approved and adopted integrated water
3 resources management plan, the county may implement the approved
4 integrated water resources management plan.

5 Section 405. Water resources management corridors.

6 (a) Additional limitations.--Integrated water resources
7 management plans may establish water resources management
8 corridors to provide additional limitations on activities and
9 development for protection of waters of this Commonwealth, and
10 in the interest of public health and safety, those designated as
11 special protection under the department's rules and regulations,
12 critical riparian areas, including minimum riparian buffers,
13 wetlands, critical habitat areas and floodplain management
14 areas.

15 (b) Protection of corridors.--The submitting agency shall
16 ensure that water resources management corridors are protected
17 through acquisition, easements, trusts or other appropriate
18 legal instruments that guarantee forested buffering, building
19 setbacks and reasonable and appropriate public access.

20 (c) Adjacent watersheds.--Development of integrated water
21 resources management plans established for adjacent watersheds,
22 which contain water resources management corridors, shall be
23 coordinated by submitting agencies to ensure consistency among
24 water resources management corridors.

25 Section 406. Failure of municipalities to adopt implementing
26 ordinances.

27 (a) Procedures.--Following adoption and approval of an
28 integrated water resources management plan:

29 (1) A county or the department may institute an action
30 in mandamus to compel a municipality to adopt implementing

1 ordinances and to implement an integrated water resources
2 management plan and ordinances in accordance with this act.

3 (2) The county or department may utilize administrative
4 remedies, including administrative orders, or may institute
5 an action in mandamus to compel a municipality to adopt
6 ordinances or to implement an integrated water resources
7 management plan in accordance with this act.

8 (3) When action by the county or department or any
9 person is required to compel a municipality to adopt
10 ordinances or to implement an integrated water resources
11 management plan, the department shall not provide grants or
12 reimbursements to the municipality for the associated costs.

13 (b) Costs and fees.--The costs, attorney fees and
14 administrative fees and other expenses associated with
15 proceedings under this section shall be recoverable from the
16 violator.

17 CHAPTER 5

18 WATER RESOURCES MANAGEMENT AUTHORITIES

19 Section 501. Water resources management authorities.

20 (a) Authorities.--A county or multiple counties may elect to
21 create a water resources management authority where there is no
22 authority created pursuant to 53 Pa.C.S. Ch. 56 (relating to
23 municipal authorities) within the jurisdiction or expand the
24 scope of an existing authority to undertake powers and duties as
25 may be delegated by the incorporating municipality pursuant to
26 this act. If a county or counties have not provided notice to
27 the department of the intention to create a water resources
28 management authority or expand the scope of an existing
29 authority in accordance with this act, multiple municipalities
30 located in a county or counties may create a water resources

1 management authority or expand the scope of an existing
2 authority in accordance with this act, beginning one year from
3 the effective date of this section.

4 (b) Creation or expansion of water resources management
5 authorities.--A county or multiple counties or multiple
6 municipalities which have assumed or plan to assume
7 responsibility for the development, implementation and
8 administration of comprehensive storm water management plans or
9 an integrated water resources management plan shall have the
10 right to incorporate as a water resources management authority
11 pursuant to 53 Pa.C.S. Ch. 56 for the purposes set forth under
12 53 Pa.C.S. § 5607 (relating to purposes and powers) relating to
13 projects of the kind and character set forth below:

14 (1) Comprehensive storm water planning, collection,
15 treatment, remedial plan implementation and infrastructure
16 management and parts thereof, including regulation, operation
17 and maintenance, repair, replacement, reconstruction and
18 expansion pursuant to the Storm Water Management Act and this
19 act.

20 (2) Integrated water resources management in accordance
21 with plans adopted and approved under this act.

22 (c) Transfer of authority and obligation to operate and
23 maintain water resources management best management practices to
24 water authorities.--Transfer of authority shall be conducted as
25 follows:

26 (1) The authority and obligation to operate and maintain
27 water resources management best management practices,
28 including comprehensive storm water management or integrated
29 water resources management best management practices on
30 private lands, may be transferred to the county or water

1 resources management authority at their discretion. Whether
2 transferred or not, the operation and maintenance shall be
3 consistent with the design standards, criteria, schedules and
4 other requirements established under the comprehensive storm
5 water management plans or integrated water resources
6 management plans.

7 (2) All transferred obligations shall be subject to an
8 easement for maintenance and inspection access.

9 Section 502. Additional powers and duties of water resources
10 management authorities.

11 (a) Exceptions.--Except as provided by this act, the
12 requirements and procedures in 53 Pa.C.S. § 5607 (relating to
13 purposes and powers) shall be followed in developing the rates
14 and fees and the process for assessing and collecting such fees.

15 (b) Reimbursement of implementation and maintenance costs.--
16 The following shall apply to reimbursement:

17 (1) A county or municipality shall be reimbursed by the
18 water resources management authority for reasonable costs
19 that support the comprehensive storm water management plan or
20 integrated water resources plan implementation,
21 administration and maintenance under this paragraph and
22 paragraph (2).

23 (2) Reimbursement shall not include costs related to
24 sanitary sewage facilities.

25 (3) The water resources management authority shall have
26 the right to audit the county's or municipality's costs of
27 implementation and maintenance for which reimbursement is
28 sought.

29 (4) Nothing in this section shall be construed to limit
30 or impair application of this act to any county, municipality

1 or person, or to relieve any county, municipality or person
2 of duties required under this act, including preparation and
3 implementation of plans.

4 (c) Design criteria and standards.--The comprehensive storm
5 water management plan or integrated water resources management
6 plan shall identify the design criteria or performance standard
7 for any storm water management practice implemented under this
8 section, and the county shall have no responsibility to
9 reimburse the cost of any practice not meeting the design
10 criteria or performance standard.

11 (d) Maintenance of storm water practices or integrated water
12 resources management facilities.--Continuing maintenance of
13 storm water or water resources management practice shall be the
14 responsibility of the water resources management authority
15 implementing the practice under subsection (b)(1) and (2) unless
16 there is specific agreement otherwise between the water
17 resources management authority and the implementing party.

18 (e) Objections.--Any resident, owner of real property or
19 person in the plan area questioning the rate or fees fixed by
20 the county, including extensions of service thereof, shall first
21 raise such objections with the county or the water resources
22 management authority, as the case may be. After exhausting their
23 administrative remedies, persons may bring suit against the
24 water resources management authority or county in the court of
25 common pleas of the county in which the principal office of the
26 water resources management authority is located.

27 CHAPTER 6

28 RIGHTS, REMEDIES, FUNDING AND ENFORCEMENT

29 Section 601. Duty of persons engaged in development of land.

30 Any landowner and any person engaged in any activity,

1 alteration or development of land which may affect water
2 resources or storm water runoff characteristics shall:

3 (1) Manage rate, volume, velocity, direction and quality
4 of runoff so as to:

5 (i) Prevent pollution to waters of this Commonwealth
6 as defined in the Clean Streams Law.

7 (ii) Protect safety and prevent injury to health and
8 other property.

9 (2) Ensure that the maximum rate of storm water runoff
10 is not increased.

11 (3) If there are applicable comprehensive storm water
12 management plans or integrated water resources management
13 plans, implement such measures consistent with the provisions
14 in the applicable plans as are reasonably necessary to
15 protect, maintain, reclaim and restore waters of this
16 Commonwealth and to prevent injury to health, safety or
17 property.

18 Section 602. Funding and imposing fees on tax-exempt property.

19 (a) General rule.--Except as provided under subsection (b),
20 real property that is exempt from the payment of real estate tax
21 shall be subject to the fees and charges imposed in accordance
22 with this act.

23 (b) Exempt property.--The following property shall be exempt
24 from the fees imposed by this act:

25 (1) Property owned by a political subdivision, county or
26 municipality.

27 (2) Property owned by a water resources management
28 authority.

29 Section 603. Entry upon land for surveys and examinations.

30 (a) Representatives.--Designated representatives of the

1 Commonwealth or a county, municipality or authority, upon
2 serving a reasonable notice and with the authorization of the
3 landowner or occupier, may enter upon lands in the plan area to
4 make surveys and examinations to accomplish the planning
5 purposes of this act.

6 (b) Inspections.--The department is authorized to make
7 inspections, conduct tests or sampling or examine books, papers
8 and records pertinent to any matter under investigation pursuant
9 to this act as it deems necessary to determine compliance with
10 this act, and, for this purpose, the duly authorized agents and
11 employees of the department are authorized at all reasonable
12 times to enter and examine any property, facility, operation or
13 activity.

14 (c) Agents and employees.--The owner, operator or other
15 person in charge of property, facilities, operations or
16 activities where storm water or integrated water resources
17 management facilities are located shall, upon presentation of
18 proper identification and purpose for inspection, give agents
19 and employees of the department free and unrestricted entry and
20 access, and, upon refusal to grant entry or access, the agent or
21 employee may obtain a search warrant or other suitable order
22 authorizing entry and inspection. It shall be sufficient
23 probable cause to issue a search warrant authorizing examination
24 and inspection if there is probable cause to believe that the
25 object of the investigation is subject to regulation under this
26 act and access, examination or inspection is necessary to
27 enforce the provisions of this act.

28 Section 604. Preservation of existing rights and remedies.

29 The taking of any action under the provisions of this act
30 shall not be construed as estopping the Commonwealth or any

1 county, municipality or aggrieved person from proceeding in
2 courts of law or equity to abate nuisances under existing law or
3 to restrain, at law or in equity, a violation of this act.

4 Section 605. Civil remedies.

5 (a) Public nuisance.--Any activity conducted in violation of
6 the provisions of this act or of any comprehensive storm water
7 management plan or integrated water resources management plan or
8 regulations or ordinances adopted under this act is hereby
9 declared a public nuisance.

10 (b) Actions.--

11 (1) Suits to restrain, prevent or abate violations of
12 this act or of any comprehensive storm water management plan,
13 integrated water resources management plan, regulations or
14 ordinances adopted under this act may be instituted in equity
15 or at law by the department, any affected county or
16 municipality or any aggrieved person in any court of
17 competent jurisdiction.

18 (2) Except in cases of emergency where, in the opinion
19 of the court, the circumstances of the case require immediate
20 abatement of the unlawful conduct, the court may, in its
21 decree, fix a reasonable time during which the person
22 responsible for the unlawful conduct shall correct or abate
23 the conduct.

24 (3) The costs, attorney fees, administrative fees and
25 other expenses associated with proceeding under this section
26 shall be recoverable from the violator.

27 (c) Damages.--Any person injured by conduct which violates
28 the provisions of this act may, in addition to any other remedy
29 provided under this act, recover damages caused by a violation
30 from the landowner or other responsible person.

1 Section 606. Administrative procedure and judicial review.

2 (a) Appeal of action of department.--Any person aggrieved by
3 any action of the department under this act shall have the right
4 within 30 days of receipt of notice of such action to appeal to
5 the Environmental Hearing Board.

6 (b) Appeal of action of political subdivision.--Any person
7 aggrieved by any action of a county, municipality or water
8 resources management authority under this act shall have a right
9 to appeal in accordance with 2 Pa.C.S. Chs. 5 (relating to
10 practice and procedure) and 7 (relating to judicial review).

11 Section 607. Integrated Water Resources Management Account.

12 The Integrated Water Resources Management Account is
13 established as a restricted receipt account within the General
14 Fund. All fees collected by the department under this act shall
15 be paid into the State Treasury for deposit into the account.
16 The account shall be administered by the department to implement
17 the purposes of this act. Money in the account is appropriated
18 to the department for the purposes of this act.

19 Section 608. Grants and reimbursements.

20 (a) Grants.--The department may administer grants to
21 counties and water resources management authorities to assist or
22 reimburse the counties, municipalities and the water resources
23 management authorities for allowable costs in preparing the
24 initial comprehensive storm water management plans and
25 integrated water resources management plans under this act.
26 Grants and reimbursements shall be made from, and to the extent
27 of, funds appropriated by the General Assembly for such purposes
28 and shall be made in accordance with rules and regulations
29 promulgated or amended by the Environmental Quality Board.

30 (b) Limitation.--The grants shall equal 75% of the allowable

1 costs under this act.

2 (c) State grants.--For purposes of this section, State
3 grants shall be in addition to grants for similar purposes made
4 to any county or authority by the Federal Government, or other
5 sources, provided that the grants authorized by this section
6 shall be limited such that the total of all State grants does
7 not exceed 75% of allowable costs under this act.

8 (d) Applicability.--Nothing in this section shall be
9 construed to impair or limit application of this act to any
10 municipality, county, water resources management authority or
11 person or to relieve any municipality, county, water resources
12 management authority or person of duties imposed under this act.

13 (e) Report by department.--If, in any fiscal year,
14 appropriations are insufficient to cover the costs of grants and
15 reimbursement to all municipalities, counties and water
16 resources management authorities eligible for grants and
17 reimbursements in that fiscal year, the department shall report
18 that fact to the General Assembly and shall request
19 appropriation of funds necessary to provide the grants and
20 reimbursements authorized under this section. If a deficiency
21 appropriation is not enacted, any municipality, county or water
22 resources management authority which has not received the full
23 amount of the grant or reimbursement for which it is eligible
24 under this section shall be, as a first priority, reimbursed
25 from appropriations made in the next successive fiscal year.

26 (f) Reimbursement of expenses.--Municipalities located in
27 watershed-based planning areas for which comprehensive storm
28 water management or integrated water resources management plans
29 have been prepared or updated and adopted by counties and
30 approved by the department shall be eligible for annual

1 reimbursement equal to 75% of net expenses incurred in the
2 adoption or revision of ordinances or regulations and other
3 actual administrative, enforcement and implementation costs
4 incurred in complying with this act and the applicable approved
5 plans for the first five years after adoption of plans and
6 approval by the department.

7 (g) Supplements.--Notwithstanding the grant and
8 reimbursement limitations in subsections (a) and (f), where
9 implementation and maintenance of the plans and other
10 requirements of this act cannot be sustained by funding
11 generated by water resource authorities, the Commonwealth may
12 supplement funding through payments not to exceed 75% of
13 allowable costs.

14 Section 609. Waiver of use of grant and loan funds.

15 A municipality, county or authority receiving grants or loans
16 from the Commonwealth or its agencies for the construction or
17 repair of any storm water BMP or flood control projects where
18 the Commonwealth's funds are restricted from paying for the
19 acquisition of property, a right-of-way or property removal or
20 demolition necessary for the completion of a project may receive
21 a waiver to spend up to 5% of the grant or loan for these
22 activities upon the approval of the appropriate Commonwealth
23 agency.

24 CHAPTER 7

25 MISCELLANEOUS PROVISIONS

26 Section 701. Repeals.

27 Repeals are as follows:

28 (1) The General Assembly declares that the repeal under
29 paragraph (2) is necessary to effectuate this act.

30 (2) Sections 9(b) and 14(b) of the act of October 4,

1 1978 (P.L.864, No.167), known as the Storm Water Management
2 Act, are repealed.

3 (3) All other acts and parts of acts are repealed
4 insofar as they are inconsistent with this act.

5 Section 702. Effective date.

6 This act shall take effect in 60 days.