



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2331

PRINTERS NO. 3312

PRIME SPONSOR: Gleim

COST / (SAVINGS)

FUND	FY 2022/23	FY 2023/24
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY: House Bill 2331, Printer's Number 3312, amends the Storm Water Management Act to require active water quality testing of surface waters within watershed storm water plans and provides for conditions for permit waivers.

ANALYSIS: This bill amends the Storm Water Management Act (167 of 1978) to require active water quality testing of surface waters on an annual basis within watershed storm water plans by the Department of Environmental Protection (DEP). These test procedures shall be in accordance with the analysis of pollutants as established under the Federal Clean Water Act (per 40 CFR Part 136). It states that the following shall apply:

1. If DEP does not have the resources to conduct the water quality testing as required, it shall rely on the following to calculate the water quality standards of surface waters within a watershed stormwater plan:
 - water quality testing from the county conservation district, the PA Fish and Boat Commission, the Department of Conservation and Natural Resources, the PA Game Commission, an institution of higher education that receives state funding or a private laboratory accredited by the department to perform water quality testing; or
 - if the department has not received water quality testing from approved agencies or laboratories as listed, it may utilize a water quality testing model.
2. DEP shall grant a National Pollutant Discharge Elimination System Permit (NPDES) waiver to a small Municipal Separate Storm Sewer System (MS4) that meets the MS4 compliance criteria relating to population as specified under 40 CFR 122.32(d) or (e).

This legislation would take effect in 60 days upon enactment.

FISCAL IMPACT: The legislation would require additional active water quality testing by DEP annually, but this is projected to have no adverse fiscal impact on Commonwealth funds. If the department cannot complete active testing under its existing operations, the bill provides for other agencies or entities to provide water quality testing data as required (under the Federal

Clean Water Act) to calculate the water quality standards of surface waters within a watershed stormwater plan or the use of a water quality model. The issuance of a NPDES waiver could reduce DEP permit revenues, but this would be on a case-by-case basis depending on the projects involved and municipalities that meet the population criteria specified under Federal regulations.

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House Appropriations Committee (R)

DATE: September 12, 2022

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.