
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1200 Session of
1999

INTRODUCED BY HERSHEY, FREEMAN, S. H. SMITH, RUBLEY, HARHART,
CLARK, BROWNE, MAJOR, LAUGHLIN, WILT, CAWLEY, McILHINNEY,
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SEMMELE, SERAFINI, STABACK, STEIL, STETLER, STURLA AND
TANGRETTI, APRIL 21, 1999

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 21, 1999

AN ACT

1 Providing for watershed protection and environmental
2 stewardship; establishing the Environmental Stewardship Fund;
3 conferring powers and duties on the Department of
4 Conservation and Natural Resources, the Department of
5 Environmental Protection and the Pennsylvania Infrastructure
6 Investment Authority; imposing a recycling fee; and making
7 repeals.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Watershed
12 Protection and Environmental Stewardship Act.

13 Section 2. Legislative findings.

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

16 (1) The 21st Century Environment Commission identified
17 land use to be the most pressing environmental issue facing

1 the Commonwealth.

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

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

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

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

21 (6) Legislation is necessary to provide incentives to
22 local governments to implement sound land use practices to
23 further encourage the preservation of open space, clean and
24 protect watersheds, improve recreational opportunities,
25 protect natural areas and habitats and address existing
26 environmental problems.

27 Section 3. Definitions.

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

1 "Acquisition." The purchase, or lease with an option to
2 purchase, of land, easements or buildings for public parks,
3 conservation, historical or recreation uses.

4 "Authority." The Pennsylvania Infrastructure Investment
5 Authority.

6 "Authorized organization." An entity involved in research,
7 restoration, rehabilitation, planning, acquisition, development,
8 education or other activities, which further the protection,
9 enhancement, conservation, preservation or enjoyment of this
10 Commonwealth's environmental, conservation, recreation or
11 similar resources. The organization must be a tax-exempt
12 institution under section 501(c)(3) of the Internal Revenue Code
13 of 1986 (Public Law 99-154, 26 U.S.C. § 501(c)(3)) and
14 registered with the Bureau of Charitable Organizations or an
15 educational institution involved in these authorized activities.

16 "Departments." The Department of Conservation and Natural
17 Resources and the Department of Environmental Protection of the
18 Commonwealth.

19 "Development." New construction, improvement, alteration or
20 renovation required for and compatible with the physical
21 development or improvement of land or buildings.

22 "Environmental department." The Department of Environmental
23 Protection of the Commonwealth.

24 "Fund." The Environmental Stewardship Fund established in
25 section 4.

26 "Planning." The preparation of park, recreation and open
27 space plans, river corridor and watershed plans, master site
28 development plans, feasibility studies, natural areas studies
29 and inventories, greenways and trail plans, maintenance
30 management plans, conservation plans, zoning plans, land use

1 plans, environmental management plans and research or education
2 documents, useful in assisting municipalities, Commonwealth
3 agencies, conservation districts, watershed organizations and
4 authorized organizations in developing a strategy for
5 environmental improvement, natural resource management, park and
6 recreation development and land conservation.

7 "Rehabilitation and repair." Restoration or renovation of
8 facilities or conditions of existing public conservation and
9 recreation resources. The term excludes routine maintenance.

10 "Sound land use practices." Practices that are generally
11 consistent with the inventory of land use practices published by
12 the Governor's Center for Local Government Services in the
13 Department of Community and Economic Development. The inventory
14 of practices should promote regional cooperation, seek to
15 minimize the impact on the environment, open space and farmland
16 and encourage development in previously developed areas or in
17 locally designated growth areas.

18 "Technical assistance." Provision of financial grants and
19 professional services. The term includes, publications,
20 research, video tapes, workshops, meetings, phone consultation
21 and written and electronic communication.

22 "Watershed organization." An entity recognized by either or
23 both of the Department of Conservation and Natural Resources and
24 the Department of Environmental Protection and established by
25 volunteer community members to promote local watershed
26 conservation efforts in an identified watershed.

27 Section 4. Fund.

28 (a) Establishment.--There is established a special fund in
29 the State Treasury, to be known as the Environmental Stewardship
30 Fund, which shall be administered by the Department of

1 Environmental Protection.

2 (b) Sources.--

3 (1) Money appropriated by the General Assembly, interest
4 earned by the fund, penalties, and money received from the
5 Federal Government or other sources shall be deposited in the
6 fund. The General Assembly may appropriate up to \$55,000,000
7 annually from the General Fund.

8 (2) For a period of five years from the effective date
9 of this act, the fund may receive money, upon approval of the
10 Governor, from the Recycling Fund and the Hazardous Sites
11 Cleanup Fund. The combined total of appropriations from these
12 two funds for the program shall not exceed \$30,000,000
13 annually.

14 (c) Appropriation.--The money in the fund is hereby
15 appropriated, upon approval of the Governor, to the departments
16 and the authority for the purpose of implementing the provisions
17 of this act.

18 (d) Allocation.--It is the intent of the General Assembly
19 that the money appropriated in subsection (c) be allocated
20 annually as follows: 34% to the Department of Conservation and
21 Natural Resources; 41% to the Department of Environmental
22 Protection and 25% to the authority.

23 Section 5. Agencies.

24 (a) The Department of Conservation and Natural Resources.--
25 The Department of Conservation and Natural Resources shall
26 utilize money it receives from the fund for the following
27 purposes:

28 (1) Rehabilitation, repair and development of State park
29 and State forest lands and facilities and the acquisition of
30 interior holdings and other land which the Department of

1 Conservation and Natural Resources determines will protect or
2 enhance State parks and State forests.

3 (2) Grants to municipalities, conservation districts and
4 authorized organizations for the purpose of planning,
5 education, acquisition, development, rehabilitation and
6 repair of greenways, trails, open space, natural areas, river
7 corridors, watersheds, community parks and recreation
8 facilities; community conservation and beautification
9 projects; forest conservation; and other conservation
10 purposes. Grant moneys may also be used for the acquisition
11 of farmland for the above-stated purposes. Priority in the
12 consideration of grant awards and other incentives shall be
13 given to projects which support sound land use practices.

14 (3) Grants to municipalities and authorized
15 organizations for purposes of research, planning, inventories
16 and technical assistance, intended to protect and conserve
17 the biological diversity of this Commonwealth.

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

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

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

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

27 (iii) To provide grants to municipalities, county
28 conservation districts, watershed organizations and other
29 authorized organizations for acid mine drainage
30 abatement, mine cleanup efforts and well plugging.

1 (iv) To provide grants and technical assistance to
2 municipalities, county conservation districts, watershed
3 organizations and other authorized organizations to plan
4 and implement local watershed-based conservation efforts,
5 giving priority and other incentives to projects that
6 support sound land use practices.

7 (v) To improve water-quality-impaired watersheds,
8 including those polluted by past mining activities,
9 agricultural and urban runoff, atmospheric deposition,
10 on-lot sewage systems, and earth moving and timber
11 harvesting activities. Priority and other incentives
12 shall be given to projects which support sound land use
13 practices.

14 (2) County conservation districts are authorized to
15 further distribute grants from the Department of
16 Environmental Protection to watershed organizations and other
17 authorized organizations to assist in the implementation of
18 this act.

19 (c) The authority.--The authority shall utilize its
20 allocation from the fund for the following purposes:

21 (1) To provide financial assistance, including, but not
22 limited to, grants, matching grants and low-interest loans
23 for nonpoint sources, with incentives to promote sound land
24 use practices.

25 (2) To provide financial assistance, including, but not
26 limited to, grants, matching grants and low-interest loans
27 for water, storm water and sewer infrastructure projects and
28 other incentives to promote sound land use practices for
29 water, sewer and storm water projects in economically
30 disadvantaged communities.

1 (d) Regulations.--The departments and the authority may
2 promulgate such regulations necessary to carry out the purposes
3 of this act.

4 Section 6. Property and equipment restrictions.

5 (a) Prohibiting.--Recipients of grants under this act may
6 not dispose of or convert property or equipment acquired with
7 grant funds for purposes other than the purposes approved in the
8 project applications without the prior written approval of the
9 agency which provided the grant.

10 (b) Remedy.--If disposition or conversion in violation of
11 subsection (a) occurs, the agency may:

12 (1) Require the recipient to refund all grants for the
13 particular project, including 10% annual interest, compounded
14 four times annually, from the date the original grant was
15 received until it is repaid.

16 (2) Require acquisition by the recipient of equivalent
17 replacement land, as determined by the agency.

18 (3) Take possession of the property or equipment funded
19 by the agency.

20 Section 7. Pollution prevention.

21 The sum of \$2,000,000 is hereby appropriated to the
22 Department of Environmental Protection from the Hazardous Sites
23 Cleanup Fund established for the purposes of explaining the
24 Small Business and Household Pollution Prevention Program to
25 provide on-site assessments and recommendations for pollution
26 prevention and energy efficiency techniques for the fiscal year
27 July 1, 1999, through June 30, 2000. The General Assembly may
28 appropriate up to \$2,000,000 in additional funds from the
29 Hazardous Sites Cleanup Fund for this purpose in fiscal year
30 2000-2001.

1 Section 8. Federal programs.

2 Agencies may utilize available Federal funds to augment funds
3 available under this act.

4 Section 9. Wild Resource Conservation Fund; duties of
5 Department of Conservation and Natural Resources.

6 (a) Appropriation.--The moneys contained in the Wild
7 Resource Conservation Fund are hereby appropriated, upon
8 approval of the Governor, to the Department of Conservation and
9 Natural Resources for the purposes of carrying out the
10 provisions of subsection (b), section 5(a)(3) and the act of
11 June 23, 1982 (P.L.597, No.170), known as the Wild Resource
12 Conservation Act.

13 (b) Projects and programs.--The Wild Resource Conservation
14 Board, after reviewing the recommendations of interested persons
15 and consulting with the professional staffs of the agencies
16 represented on the board, may approve projects or programs
17 deemed necessary to preserve and enhance wild resources, for
18 which the Department of Conservation and Natural Resources may
19 allocate moneys from the Wild Resource Conservation Fund.

20 (c) Sale of stamps and decals.--The Department of
21 Conservation and Natural Resources shall have the right to issue
22 for sale to the public stamps, decals or other items of personal
23 property intended to signify the interest of the purchaser in
24 contributing to programs established by the department under
25 this section, the net proceeds of which shall be deposited in
26 the Wild Resource Conservation Fund.

27 (d) Activities of other agencies.--The authority granted
28 pursuant to subsection (c) shall not affect or interfere with
29 similar authority vested by law in any agency represented on the
30 board to sell items of personal property which promote the

1 independent programs of those respective agencies. Said agencies
2 shall likewise have the right to issue for sale items of
3 personal property intended to signify the interest of the
4 purchaser in contributing to programs established by the
5 department, the net proceeds of which shall be deposited in the
6 fund.

7 Section 10. Repeals.

8 (a) Municipal recycling grants.--Section 1937-A(b) of the
9 act of April 9, 1929 (P.L.177, No.175), known as The
10 Administrative Code of 1929, is repealed.

11 (b) Sewage construction payments to municipalities.--The act
12 of August 20, 1953 (P.L.1217, No.339), entitled "An act
13 providing for payments by the Commonwealth to municipalities
14 which have expended money to acquire and construct sewage
15 treatment plants in accordance with the Clean Streams Program
16 and the act, approved the twenty-second day of June, one
17 thousand nine hundred thirty-seven (Pamphlet Laws 1987), and
18 making an appropriation," is repealed.

19 (c) Site-specific postclosure fund.--Sections 1108(b) and
20 (c) of the act of July 28, 1988 (P.L.556, No.101), known as the
21 Municipal Waste Planning, Recycling and Waste Reduction Act, are
22 repealed. A county which established a landfill closure account
23 may spend the money in that account to develop, implement plans
24 that promote sound land use practices, fund county conservation
25 districts, protect farmland or to accomplish any other purpose
26 authorized by this act. An expenditure for farmland preservation
27 must comply with the act of June 30, 1981 (P.L.128, No.43),
28 known as the Agricultural Area Security Law.

29 (d) Wild Resource Conservation.--Section 5305(d),
30 5306(b)(3), (4), (5) and (6), (c), (d), (e), (f) and (g) of the

1 act of June 23, 1982 (P.L.597, No.170), known as the Wild
2 Resource Conservation Act, are repealed.

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

5 Section 11. Extension of fees.

6 No fee shall be imposed under section 701 of the act of July
7 28, 1988 (P.L.556, No.101), known as the Municipal Waste
8 Planning, Recycling and Waste Reduction Act, on or after October
9 15, 2004.

10 Section 12. Effective date.

11 This act shall take effect July 1, 1999, or immediately,
12 whichever is later.