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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 800**      Session of  
1999

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INTRODUCED BY WHITE, MUSTO, BRIGHTBILL, CONTI, GERLACH, MADIGAN,  
KUKOVICH AND BOSCOLA, APRIL 27, 1999

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 27, 1999

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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; making an  
7 appropriation; and making 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) Ninety-six percent of the water-quality-impaired  
17 watersheds in this Commonwealth are polluted because of  
18 nonpoint sources of pollution such as past mining activities,  
19 urban and agricultural runoff, atmospheric deposition, on-lot  
20 sewage systems and earthmoving and timber harvesting

1 activities.

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

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

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

15 (5) State programs and State funding should provide  
16 maximum flexibility for elected county and municipal  
17 government officials to identify, prioritize and address  
18 local environmental concerns.

19 (6) Land use solutions must be voluntary and driven by  
20 local initiative.

21 (7) Respecting the Commonwealth's tradition of local  
22 government, the 21st Century Environment Commission organized  
23 by the Governor urges strengthening the ability and authority  
24 of community officials to plan their growth.

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

1 Section 3. Definitions.

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

5 "Acquisition." The purchase, or lease with an option to  
6 purchase, of land, easements or buildings for public parks,  
7 conservation, historical or recreation uses.

8 "Authority." The Pennsylvania Infrastructure Investment  
9 Authority.

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

20 "Departments." The Department of Conservation and Natural  
21 Resources and the Department of Environmental Protection of the  
22 Commonwealth.

23 "Development." New construction, improvement, alteration or  
24 renovation required for and compatible with the physical  
25 development or improvement of land or buildings.

26 "Environmental department." The Department of Environmental  
27 Protection of the Commonwealth.

28 "Fund." The Environmental Stewardship Fund established in  
29 section 4.

30 "Planning." The preparation of park, recreation and open

1 space plans, river corridor and watershed plans, master site  
2 development plans, feasibility studies, natural areas studies  
3 and inventories, greenways and trail plans, maintenance  
4 management plans, conservation plans, zoning plans, land use  
5 plans, environmental management plans and research or education  
6 documents, useful in assisting municipalities, Commonwealth  
7 agencies, conservation districts, watershed organizations and  
8 authorized organizations in developing a strategy for  
9 environmental improvement, natural resource management, park and  
10 recreation development and land conservation.

11 "Rehabilitation and repair." Restoration or renovation of  
12 facilities or conditions of existing public conservation and  
13 recreation resources. The term excludes routine maintenance.

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

22 "Technical assistance." Provision of financial grants and  
23 professional services. The term includes, publications,  
24 research, video tapes, workshops, meetings, phone consultation  
25 and written and electronic communication.

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

1 Section 4. Fund.

2 (a) Establishment.--There is established a special fund in  
3 the State Treasury, to be known as the Environmental Stewardship  
4 Fund, which shall be administered by the Department of  
5 Environmental Protection.

6 (b) Sources.--

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

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

18 (c) Appropriation.--The money in the fund is hereby  
19 appropriated, upon approval of the Governor, to the departments  
20 and the authority for the purpose of implementing the provisions  
21 of this act.

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

27 Section 5. Agencies.

28 (a) The Department of Conservation and Natural Resources.--  
29 The Department of Conservation and Natural Resources shall  
30 utilize money it receives from the fund for the following

1 purposes:

2 (1) Rehabilitation, repair and development of State park  
3 and State forest lands and facilities and the acquisition of  
4 interior holdings and other land which the Department of  
5 Conservation and Natural Resources determines will protect or  
6 enhance State parks and State forests.

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

18 (3) Grants to municipalities and authorized  
19 organizations for purposes of research, planning, inventories  
20 and technical assistance, intended to protect and conserve  
21 the biological diversity of this Commonwealth.

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

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

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

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

1 (iii) To provide grants to municipalities, county  
2 conservation districts, watershed organizations and other  
3 authorized organizations for acid mine drainage  
4 abatement, mine cleanup efforts and well plugging.

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

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

18 (2) County conservation districts are authorized to  
19 further distribute grants from the Department of  
20 Environmental Protection to watershed organizations and other  
21 authorized organizations to assist in the implementation of  
22 this act.

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

25 (1) To provide financial assistance, including, but not  
26 limited to, grants, matching grants and low-interest loans  
27 for nonpoint sources, with incentives to promote sound land  
28 use practices.

29 (2) To provide financial assistance, including, but not  
30 limited to, grants, matching grants and low-interest loans

1 for water, storm water and sewer infrastructure projects and  
2 other incentives to promote sound land use practices for  
3 water, sewer and storm water projects in economically  
4 disadvantaged communities.

5 (d) Regulations.--The departments and the authority may  
6 promulgate such regulations necessary to carry out the purposes  
7 of this act.

8 Section 6. Property and equipment restrictions.

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

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

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

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

22 (3) Take possession of the property or equipment funded  
23 by the agency.

24 Section 7. Pollution prevention.

25 The sum of \$2,000,000 is hereby appropriated to the  
26 Department of Environmental Protection from the Hazardous Sites  
27 Cleanup Fund established for the purposes of expanding the Small  
28 Business and Household Pollution Prevention Program to provide  
29 on-site assessments and recommendations for pollution prevention  
30 and energy efficiency techniques for the fiscal year July 1,

1 1999, through June 30, 2000. The General Assembly may  
2 appropriate up to \$2,000,000 in additional funds from the  
3 Hazardous Sites Cleanup Fund for this purpose in fiscal year  
4 2000-2001.

5 Section 8. Federal programs.

6 Agencies may utilize available Federal funds to augment funds  
7 available under this act.

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

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

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

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

1 (d) Activities of other agencies.--The authority granted  
2 pursuant to subsection (c) shall not affect or interfere with  
3 similar authority vested by law in any agency represented on the  
4 board to sell items of personal property which promote the  
5 independent programs of those respective agencies. Said agencies  
6 shall likewise have the right to issue for sale items of  
7 personal property intended to signify the interest of the  
8 purchaser in contributing to programs established by the  
9 department, the net proceeds of which shall be deposited in the  
10 fund.

11 Section 10. Repeals.

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

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

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

1 must comply with the act of June 30, 1981 (P.L.128, No.43),  
2 known as the Agricultural Area Security Law.

3 (d) Wild Resource Conservation.--Section 5305(d),  
4 5306(b)(3), (4), (5) and (6), (c), (d), (e), (f) and (g) of the  
5 act of June 23, 1982 (P.L.597, No.170), known as the Wild  
6 Resource Conservation Act, are repealed.

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

9 Section 11. Extension of fees.

10 No fee shall be imposed under section 701 of the act of July  
11 28, 1988 (P.L.556, No.101), known as the Municipal Waste  
12 Planning, Recycling and Waste Reduction Act, on or after October  
13 15, 2004.

14 Section 12. Effective date.

15 This act shall take effect July 1, 1999, or immediately,  
16 whichever is later.